



Subdivision and Land Development Regulations

January 17, 2007
Ordinance No. 2007-

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Division 1 | General

Sec. 13-51 Title

This Article shall be known and may be cited as the “Subdivision and Land Development Regulations of Leesburg, Virginia” or “Subdivision and Land Development Regulations.”

Sec. 13-52 Purpose, Jurisdiction

This Article provides procedures and regulations for the subdivision and development of land within the Town.

Sec. 13-53 Compliance Required, Penalty

- (a) No person shall subdivide or develop land without fully complying with the provisions of this Article.
- (b) No such plat of any subdivision shall be recorded unless the preliminary plat ~~shall have~~ has been submitted to and approved by the Commission and the final plat ~~shall have~~ has been submitted to and approved by the Land Development Official in accordance with this Article. ~~A minor subdivision plat requires approval by the Land Development Official only.~~ (Amended 4/9/96)
- (c) No person shall sell or transfer any land of a subdivision before such plat has been approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of an applicable subdivision ordinance. Nothing in this Article shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) Any person violating the provisions of this Article applicable to subdivisions shall be subject to a fine of not more than \$500.00 for each lot or parcel of land subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided herein. It shall be unlawful for any person to violate any other provisions of this Article.
- (e) No zoning or building permits shall be issued for land use or the placement of any structure on any land unless such land is subdivided or developed in compliance with this Article.

Sec. 13-54 Fees

(Amended 7/09/03)

- (a) Review Fee Required – Applications must be accompanied by the applicable review fee as established by the Town Council.
- (b) Review Fee Exemptions – Fees are not required with applications initiated by the Town Council, Planning Commission, Board of Zoning Appeals, County of Loudoun, Loudoun County Public Schools, or fire and rescue companies. Application filing fees shall be required of any other public or private applicant.

~~Fees and charges to be paid to the Town for the review of plats and plans, for the inspection of facilities required to be installed by this Article and for variances shall be as follows:~~

- ~~(a) For preliminary plats the fee shall be \$2,500 plus \$100 per lot or division of land.~~
- ~~(b) For extensions of a preliminary plat or development plan approval, the fee shall be \$200 for an administrative approval and an additional \$150 if Planning Commission action is required.~~
- ~~(c) For final plats the fee for first submissions shall be \$1,500 plus \$100 per lot or division of land, plus the amount extended from the quantity of public improvements at the following rates:~~

<u>Type of Public Improvement</u>	<u>Unit Rate</u>
Storm Sewer	\$3.75 per linear foot
Water Main	1.75 per linear foot
Curb & Gutter	0.75 per linear foot
Sidewalk	1.35 per linear foot
Sanitary Sewer	2.00 per linear foot
Streets	1.20 per linear foot
Overlot Grading	125.00 each lot
Other major utility facilities	1% of construction cost

~~For correction plats the fee shall be \$500, plus \$50 per lot. For final plats the fee for the second and subsequent submissions of the associated construction drawings shall be \$1000.~~

- ~~(d) For Minor subdivision plats the fee shall be \$1250.~~
- ~~(e) For Boundary Line Adjustments the fee shall be \$500 for single and \$1,000 for two or more parties.~~
- ~~(f) For Boundary Line Vacations the fee shall be \$500.~~
- ~~(g) For Preliminary development plans the fee for first submissions shall be \$2,000 plus \$100 per acre and the fee for second and subsequent submissions shall be \$1000.~~
- ~~(h) For Final Development plans the fee shall be \$3,000 plus \$100 per acre plus the amount extended from the quantity of public improvements at the following rates:~~

<u>Type of Public Improvement</u>	<u>Unit Rate</u>
Storm Sewer	\$3.75 per linear foot
Water Main	1.75 per linear foot
Curb & Gutter	0.75 per linear foot
Sidewalk	1.35 per linear foot
Sanitary Sewer	2.00 per linear foot
Streets	1.20 per linear foot
Overlot Grading	125.00 each lot
Other major utility facilities	1% of construction cost

~~For final development plans the fee for second and subsequent submissions shall be \$1,000.~~

- ~~(i) For combined preliminary/final development plans, which have been specifically authorized by the Land Development Official, the fee for first submissions shall be \$5,000 plus \$100 per acre, plus the amount extended from the quantity of public improvements at the following rates:~~

Type of Public Improvements	Unit Rate
Storm Sewer	\$3.75 per linear foot
Water Main	1.75 per linear foot
Curb & Gutter	0.75 per linear foot
Sidewalk	1.35 per linear foot
Sanitary Sewer	2.00 per linear foot
Streets	1.20 per linear foot
Overlot Grading	125.00 each lot
Other major utility facilities	1% of construction cost

~~For combined preliminary/final development plans the fee for second and subsequent submissions shall be \$1000.~~

- ~~(j) For minor modifications to approved final development plans or construction drawings, when authorized by the Director of Engineering, the fees shall be \$200 per revised sheet requiring a change. Such modifications shall be for the relocation of utilities, landscaping or similar minor modifications. Minor modifications shall not be deemed applicable to the relocation or enlargement of any buildings shown on the final development plan, which shall require the submission of a new application.~~
- ~~(k) For review of public improvements not submitted as part of a subdivision or development plan application the fee shall be 1% of the construction costs.~~
- ~~(l) For rough grading plans the fee shall be \$200 per acre.~~
- ~~(m) For variations the fee shall be \$300 each (section varied).~~
- ~~(n) For no adverse impact certifications the fee shall be \$500.~~
- ~~(o) For a traffic Study the fee shall be \$1,000.~~
- ~~(p) For a Floodplain Study the fee shall be \$1,500.~~
- ~~(q) For a DCSM Modification the fee shall be \$200 each.~~
- ~~(r) For each Easement Plat the fee shall be \$500.~~
- ~~(s) For request for authorization for combined preliminary/final development plans the fee shall be \$100.~~

13-54.1 Planned Development Conflicts

If a conflict arises between any provisions of an ordinance of the Town of Leesburg and a plat or site plan, the provisions of the Town of Leesburg ordinance shall control. However, if a plat has been approved and recorded, such plat shall control. Any provisions of this Article in conflict with an ordinance approving a concept plan and establishing a planned development district, a resolution approving a final development plan or the approval of final plat or site plan under the regulations of Article 6 A, Planned Development, of the Leesburg Zoning Ordinance are varied to the extent necessary to fulfill the purpose of the planned development regulations.

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Division 2 | Subdivision

Sec. 13-55 Purpose and Intent

The purpose of these ~~s~~Subdivision and Land Development ~~r~~Regulations is to ensure the appropriate division of land within the Town of Leesburg, ~~in a manner consistent with sections 15.2 2241 thru 2245 of the State Code.~~ In particular, it is the intent of these Subdivision and Land Development ~~r~~Regulations to encourage the development of safe and attractive residential neighborhoods and nonresidential developments; ensure the provision of appropriate public street access between and among adjacent properties; ensure adequate provision for drainage and appropriate arrangements of buildings and parking areas on the site and with nearby properties; obtain public right-of-way, easements and other public land dedications, consistent with the Town Plan; maintain appropriate buffers between potentially incompatible uses; discourage development on steep slopes and in floodplains; and encourage preservation of historical, archeological, and/or natural significant features and landmarks.

(Amended 8/10/04)

13-55.1 General Criteria for Review & Approval of Subdivisions

The Leesburg Planning Commission shall review and have the authority to approve preliminary plats and the Land Development Official shall review and have the authority to approve final plats, as defined by these Subdivision and Land Development Regulations. In approving such subdivisions, the Planning Commission and Land Development Official shall, ~~in accordance with Section 15.2 2241 of the 1950 Code of Virginia, as amended,~~ be provided with suitable information in order to make a determination that the proposed plat provides:

(Amended 4/9/96)

- (a) For the minimum graphic and information requirements of these Subdivision and Land Development Regulations;
- (b) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;
- (c) For adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics;
- (d) For the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and waterline and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
- (e) For the acceptance of dedication for public use of any right-of-way within any subdivision or section thereof which has constructed or proposed to be constructed within the subdivision or section thereof any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other ~~public~~ improvement dedicated for public use, and maintained by the Town, Commonwealth, or other public agency, and for the provision of other required site-related improvements for vehicular ingress and egress, including

traffic signalization and control, for public access streets, structures necessary to ensure stability of critical slopes, and stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or applicant ~~developer~~ provides a guarantee for said improvements in compliance with Sections 13-92 through 13-95 of these Subdivision and Land Development Regulations, Bonding of Required Improvements;

- (f) For conveyance to the Town of common or shared easements for cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the proposed subdivision;
- ~~(g)~~ For monuments of specific types to be installed establishing street and property lines; ~~and~~
- ~~(e)~~ (h) For payment by an applicant subdivider or developer and land of his pro rata share of the cost of providing reasonable and necessary water, sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, as provided in Section 13-85 of these Subdivision and Land Development Regulations, Off-Site Improvements.
- (i) For voluntary funding by an applicant of road improvements located outside the property limits of the land owned or controlled by the applicant and needed because the construction or improvement of the subdivision substantially generates and reasonably requires such road improvements.
- (j) For payment by an applicant of a pro rata share of the cost of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by the applicant but serving an area having related traffic needs to which such subdivision or development will contribute, as reimbursement to an initial applicant who has advanced such costs or constructed such road improvements, as provided in Section 13-70 of these Subdivision and Land Development Regulations, Pro Rata Road Reimbursement Districts.
- (k) For disclosure and remediation of contamination and other adverse environmental conditions of the property.

In addition to the above ~~standards~~ informational requirements, the plat shall be reviewed for compliance with the design standards of these Subdivision and Land Development Regulations and Leesburg Design and Construction Standards Manual, latest edition.

13-55.2 Minor Subdivision

~~For the purpose of this division, a minor subdivision shall be defined as the creation of no more than five lots of record, which do not require the extension of any public utility main. Minor subdivisions shall not include those divisions of land, which create either pipestem lots or cluster subdivisions. Applications qualifying as minor subdivisions need not include the submittal of preliminary plat information, but need only submit the materials necessary for final plat approval. The Land Development Official shall review minor subdivisions in the same manner as final plats, as specified in Section 13-60 of these regulations. There shall be a minimum one-year separation for the submission of minor subdivision applications on the same tract of land.~~

~~—(Amended 4/9/96 and 8/10/04)~~

13-55.32 Boundary Line Adjustments and Vacations

This section pertains to property boundaries, not corporate limit line boundaries

The Land Development Official may approve the vacation, ~~relocation~~ or alteration of the boundary of any lot or parcel of land, which was established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and properly executed by the owner(s) of such land and approved as provided in this ordinance or properly recorded prior to the applicability of ~~a subdivision~~ this ordinance, if such vacation, ~~relocation~~ or alteration shall not result in the creation of additional buildable lots and shall represent the same general lot relationships as shown in the plat prior to the boundary line adjustment or involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility right-of-way shall be relocated or altered without the express consent of all persons holding interest therein. A boundary line adjustment ~~or~~ vacation shall result in lots, which conform to the requirements of the Zoning Ordinance, or in the case of existing non-conforming lots, does not increase the extent of non-conformance (see section 10.4.4.E of the zoning ordinance). The plat approving the boundary line adjustment ~~or~~ vacation shall be in a form approved by the Land Development Official and shall in addition to the approval signatures of the Land Development Official and Zoning Administrator and seal and signature of a certified land surveyor contain a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed and duly acknowledged before an officer authorized to acknowledge deeds, ~~be executed by the owner or owners of such land as provided in Section 15.2-2264 of the 1950 Code of Virginia, as amended and shall bear the seal and signature of a certified land surveyor, and the approval signatures of the Land Development Official and Zoning Administrator.~~ The applicant ~~subdivider or developer~~ shall record the boundary line adjustment ~~or~~ vacation plat in the land records of Loudoun County within six months of approval. Any plat not so recorded shall be deemed null and void.

(Amended 4/26/94 and 10/14/97 and 8/10/04)

13-55.43 Pre-Application Conference Requirement

Prior to submitting an application for preliminary subdivision plat approval, the applicant shall meet with representatives of both the Planning and Engineering Departments to review a sketch plan of the proposed subdivision. Representatives of the Planning and Engineering Departments may require up to ten (10) working days from the date of the applicant's initial request to schedule the pre-application conference.

Sec. 13-56 Filing of Preliminary Subdivision Plat

Following the mandatory pre-application conference, the applicant is authorized to submit a preliminary plat and application for approval of the proposed subdivision to the Land Development Official. Preliminary plat applications shall be complete and include the following:

- (a) ~~A~~ completed application form for preliminary plat approval, in a form approved by the Land Development Official.
- (b) At least five (5) copies of the proposed preliminary plat. Additional copies of the plat may be required by the Land Development Official, when necessary due to the number of agencies involved in the review of the application.

- (c) The application fee required for filing the preliminary plat.
- (d) A request for approval of street names, in a form approved by the Land Development Official. The proposed street names shall not duplicate existing or platted names unless the new street is a continuation of an existing or platted street.

Sec. 13-57 Review and Approval of Preliminary Subdivision Plat

- (a) Review for Completeness and Technical Accuracy.

The Land Development Official shall conduct an initial review of the application and preliminary plat of the proposed subdivision for completeness and technical accuracy. Within 10 working days of application submittal, the Land Development Official shall notify the applicant as to whether the plat has been accepted or rejected based on significant deficiencies in the proposed preliminary plat application. Applications for preliminary plat approval, which are deemed incomplete shall not be accepted until the deficiencies have been properly addressed.

(Amended 4/9/96)

- (b) Referral of Application to Review Agencies.

Upon acceptance of a complete application the Land Development Official shall request 20 copies of the complete application from the applicant and, upon receipt, shall forward the plat and related information to the following review agencies:

- (1) Department of Engineering and Public Works
- (2) Zoning Administrator
- (3) Loudoun County Fire Marshal Plan Reviewer/Inspector
- ~~(4) — Leesburg Volunteer Fire Company~~
- (5) Loudoun County Office of Mapping & Geographic Information
- (6) Applicable utility companies
- (7) Loudoun County School Board
- ~~(8) — Loudoun County Health Department~~
- (9) Virginia Department of Transportation, when such application affects a road maintained by the Commonwealth of Virginia
- (10) Any other Federal, State, Town or County agency which may have cause to review the application

If state agency approval of a feature or features of the preliminary plat is necessary, the Land Development Official shall forward the preliminary plat to the appropriate state agency or agencies for review within 10 business days of receipt of the complete application.

- (c) Detailed Staff Review of Application

The Land Development Official shall coordinate the review by referral agencies and compile their comments. The official shall report in writing those corrections or additions deemed necessary by him and other officials or agencies interested in the application to the Commission as soon as the comments are available.

(d) Planning Commission Review and Action.

Upon completion of the staff review of ~~the first submission of the~~ plat the staff review comments, along with a copy of the preliminary plat, shall be sent to each Planning Commissioner for their record. (Amended 4/9/96)

If the preliminary plat has been submitted to a state agency or agencies for review, the state agency or agencies shall complete the review within 45 days of receipt of the preliminary plat. After receipt of approvals from all state agencies that have reviewed such plat, the Planning Commission shall act upon such plat within 35 days. However, in no event shall the Planning Commission be required to approve a preliminary plat in less than 60 days from the date of original submission of the complete application.

If state agency review of the preliminary plat is not necessary, ~~The~~ Planning Commission shall act on the application within 60 days of the time the Land Development Official determines that the application is of submission of a complete application. The Planning Commission shall act to approve the plat, approve the plat with minor revisions agreed to in writing by the applicant, or disapprove the plat. If the plat is disapproved, the Land Development Official shall notify the applicant of such disapproval and shall set forth in writing the reasons for the Planning Commission's disapproval and shall further specify what corrections or modifications would permit approval by the Planning Commission. This time period for action may be extended by mutual agreement of both the town and the applicant. The applicant's agreement shall be signified in writing. If the Planning Commission disapproves a preliminary plat, it shall act on a resubmission that modifies and corrects any deficiencies within 45 days of resubmission of a complete application and resubmission fee.

~~(e) Resubmittal of Preliminary Plats not Approved by Commission.~~

~~The applicant may revise and resubmit an application and fee for preliminary plat approval, after said plat has been disapproved by the Planning Commission. The resubmitted preliminary plat application shall be reviewed and processed in accordance with the procedures established in Section 13-57 of these regulations.~~

(ef) Cluster Subdivisions: Planning Commission Action on Plat.

The Planning Commission may approve a preliminary cluster subdivision plat which varies the area, yard and lot width requirements of the Zoning Ordinance, as provided below. (Amended 8/10/04)

(1) Criteria for Review and Approval of Cluster Subdivisions.

In reviewing requests for cluster subdivision approval, the Planning Commission shall review the preliminary plat based on the following: (Amended 8/10/04)

- ((a)) An overall plat of the entire tract showing streets, lot areas, easements, covenants and other relevant data shall be submitted in accordance with Divisions 2, 4, and 5 of this Article and the Leesburg Design and Construction Standards Manual, latest edition.
- ((b)) Overall density shall not exceed that of the zoning district in which the proposed subdivision is located. The houses in the proposed subdivision shall be grouped in clusters to preserve open space. The minimum lot area shall satisfy all Zoning Ordinance standards for cluster subdivisions.

- ((c)) The balance of the land in a proposed subdivision that is not contained in lots or within street rights-of-ways shall be contiguous, and shall be of such condition, size and shape as to be usable for recreation. Such land shall be held in corporate ownership by the owners of lots within the development, and the applicant ~~subdivider~~ shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land, which shall be used for recreational purposes only. No structure except those incidental to the principal use shall be permitted thereon.
- ((d)) Common areas shall be a minimum of one and one-half acres and shall be subject to taxation. In the case of larger common areas, the applicant ~~subdivider or developer~~ may petition the Town Council to accept dedication of the land to be used in perpetuity as public open space.
- ((e)) The Planning Commission shall further make a determination that:
 - (1) The cluster subdivision is compatible with adjacent properties to the extent possible given the existing zoning and land use;
 - (2) The creation of the cluster subdivision is consistent with the goals and objectives of the Town Plan, the purpose and intent of the Leesburg Zoning Ordinance, and good planning practice.

~~(f)~~ (g) Significance of Preliminary Plat Approval; Expiration of Preliminary Plats.

Preliminary plat approval is tentative and does not authorize the construction of any improvements within the subdivision.

Approval of a preliminary plat shall be valid for a period of five ~~three~~ years from the date of Commission action, provided the applicant submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the applicant has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the applicant, the Planning Commission may revoke such approval upon a specific finding of facts that the applicant has not diligently pursued approval of the final subdivision plat.

(Amended 8/9/94)

If an applicant ~~developer~~ records a final plat, which may be a section of a subdivision, as shown on an approved, unexpired preliminary plat and furnishes to the governing body a certified check, cash escrow, bond or letter of credit acceptable to the town in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public use the applicant ~~developer~~ shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

(Amended 8/9/94)

~~(h) — One Year Extensions of Preliminary Plat Approval.~~

~~An applicant may request a one year extension of preliminary plat approval. The Town will not be responsible to notify applicant of the expiration date of an approved preliminary plat. No more than two extensions will be considered in cases where an applicant has not recorded a final plat for any section of the preliminary plat. The procedure to extend a preliminary plat approval is as follows:~~

- ~~(1) A preliminary plat extension application and the associated processing fee must be submitted at least 45 calendar days, prior to the expiration date of a preliminary plat. An extension request will not be considered after the expiration of the plat.~~
- ~~(2) Administrative approvals of extension applications will be granted provided the applicant submits a written agreement that the construction drawings and final plats will comply with all Town Ordinances in effect at the time of the requested extension, and no revisions to the approved preliminary plat will be necessary to meet the current regulations.~~
 - ~~((a)) Staff will review the plat to certify if the plat is in compliance with the current ordinances and that revisions to the plat are not necessary.~~
 - ~~((b)) Following staff review, and within 15 working days of the date of submission, the Land Development Official shall notify the applicant that the extension has been granted or that further processing is required due to conflict with the current ordinances. The decision of the Land Development Official shall be reported to the Planning Commission at its next regularly scheduled meeting.~~
- ~~(3) If an administrative approval cannot be considered, or a request is received less than 45 calendar days from the date of plat expiration, the additional processing fee will be required. The extension application will then be placed on the next work session agenda of the Planning Commission for consideration.~~
- ~~(4) Preliminary plats that have been approved or conditionally approved prior to the adoption of this amendment shall be treated as follows:~~
 - ~~((a)) Preliminary plats, which have already received extensions of approval, are eligible for further one year extensions provided that a preliminary plat may not be valid for more than five (5) years.~~
 - ~~((b)) In addition, preliminary plats which have already received extensions of approval and whose original date of preliminary plat approval is before June 1, 1991, are eligible for a maximum of two additional one year extensions.~~

Sec. 13-58 Review and Approval of Construction Drawings: Submission of Final Plat Application

Upon approval of a preliminary subdivision plat, the applicant is authorized to submit the application and fees for final plat approval, as well as the construction drawings for the public improvements necessary for the recordation of such lots. The final plat shall be reviewed and approved in compliance with the procedures of Section 13-60 of these Subdivision and Land Development Regulations. The construction drawings shall be reviewed and approved in compliance with the requirements of this section and the Leesburg Design and Construction Standards Manual, latest edition. Plats and construction drawings may be submitted for either the entire property, which received preliminary plat approval, or for individual sections within the subdivision plat, unless a modification in the phasing is approved by the Land Development Official and the Director of Engineering and Public Works. Each section for which construction drawings are submitted shall satisfy the required specifications of the Town of Leesburg. The drawings shall include all information and details required by these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

(a) Initial Review of Construction Drawings for Completeness and Technical Accuracy.

An application and fee for approval of construction drawings shall be filed with the Land Development Official, along with a minimum of six (6) sets of the construction drawings. Additional sets of the construction drawings may be required by the Director of Engineering and Public Works, if necessary for the review. The Land Development Official and the Director of Engineering and Public Works shall complete an initial review of the construction drawings for completeness and technical accuracy. The applicant shall be notified within 10 business ~~15 working~~ days of submission of the drawings as to whether the construction drawings have been accepted or whether significant deficiencies have been identified which would cause rejection of the construction drawings. Construction drawings, which are deemed incomplete, shall not be accepted until the significant deficiencies have been corrected. No construction drawings shall be accepted which do not bear the seal and signature of a registered professional engineer or licensed 3(b) land surveyor, as authorized by the Code of Virginia, 1950, as amended.

(b) Review of Construction Drawings.

Upon acceptance of a complete set of construction drawings, the Land Development Official shall request additional copies of the complete plans and, upon receipt, shall forward the plans to the Director of Engineering and Public Works and any other applicable referral agencies for review and comment. The Director of Engineering and Public Works shall review the construction drawings to make certain that said drawings comply with the most recent version of the Leesburg Design and Construction Standards Manual, latest edition. In reviewing such construction drawings, the Director of Engineering and Public Works shall consider the general criteria established below.

(1) Water Systems.

Connections to the Town of Leesburg water supply shall be required, in accordance with Section 19-1 of the Town Code. Public water systems shall be designed and constructed in compliance with the “Leesburg Water and Sewer Master Plan”, latest edition and the Leesburg Design and Construction Standards Manual, latest edition, and may need to be “oversized”, as provided in Section 13-84 of these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

(2) Sanitary Sewer Systems.

Connections to the Town of Leesburg sanitary sewer system shall be required, pursuant to Section 15-4 of the Town Code. Public sanitary sewer systems shall be designed and constructed in compliance with the “Leesburg Water and Sewer Master Plan”, latest edition and Leesburg Design and Construction Standards Manual, latest edition.

(3) Storm Drainage Systems.

Construction drawings for subdivisions shall include provisions for public storm drainage improvements in accordance with the Leesburg Design and Construction Standards Manual, latest edition. Appropriate documentation, which demonstrates compliance with said standards, shall also be submitted with the construction drawings.

(4) Floodwater Management and Environmental Protection.

The construction drawings shall include appropriate provisions for environmental protection, including erosion and sediment control, tree preservation, slope protection, and flood control, in compliance with the Leesburg Storm Water Management Master Plan, latest edition and Leesburg Design and construction Standards Manual, latest edition.

(5) Transportation System and Circulation Network.

Construction drawings shall include plans, specifications and details necessary for the review and approval of public streets, private streets, parking courts, pipestem driveways, off-street parking and common driveways, pursuant to the Leesburg Design and construction Standards Manual, latest edition and Sections 13-73, 13-75, and 13-78 of these Subdivision and Land Development Regulations. Public sidewalks, bikeways, and pedestrian paths shall also be provided in accordance with the standards in these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

(6) Coordination of Other Public Improvements.

The Director of Engineering and Public Works shall review the construction drawings to ensure that all utilities are installed underground in accordance with Section 13-83 of these Subdivision and Land Development Regulations, and further that all utilities are suitably located, so as not to interfere with other public improvements.

(7) Other Improvements.

All other improvements required by these Subdivision and Land Development Regulations and/or necessitated by the subdivision shall be included with the construction drawings and evaluated pursuant to applicable specifications of the Town of Leesburg.

(8) Implications for Maintenance of Improvements.

The Director of Engineering and Public Works shall review construction drawings to make certain that the proposed improvements can be properly and reasonably maintained. Easements shall be of appropriate size to facilitate the maintenance and repair of all public improvements.

(c) Director of Engineering and Public Works Action on Construction Drawings.

If state agency approval of a feature or features of the construction drawings is necessary, the Director of Engineering and Public Works shall forward the construction drawings to the appropriate state agency or agencies for review within 10 business days of receipt of the complete application.

If the construction drawings have been submitted to a state agency or agencies for review, the state agency or agencies shall complete the review within 45 days of receipt of the construction drawings. After receipt of approvals from all state agencies that have reviewed such construction drawings, the Director of Engineering and Public Works shall act upon such construction drawings within 35 days. However, in no event shall the Director of Engineering and Public Works be required to approve construction drawings in less than 60 days from the date of original submission of the complete application.

If state agency review of the construction drawings is not necessary, wWithin 45 working 60 days of the acceptance of the construction drawings the Director of Engineering and Public Works shall review the drawings, as well as comments from all review agencies, and take action on the construction drawings. The Director of Engineering and Public Works may approve the construction drawings, approve the drawings with minor changes agreed to in writing by the applicant, or disapprove the construction drawings. This review period may be extended by mutual agreement of the applicant and the dDirector of Engineering and Public Works. The applicant's agreement shall be signified in writing.

(d) Review of Re-submitted Construction Drawings.

If the construction drawings are not approved, the Director of Engineering and Public Works shall notify the applicant in writing that the plans are disapproved and specify the deficiencies in the construction drawings. The applicant may resubmit revised construction drawings indicating how all deficiencies have been corrected. The Director of Engineering and Public Works shall review and act upon the revised drawings that modify and correct any deficiencies within 45 working days of acceptance of the resubmitted drawings and any applicable resubmission fee.

Sec. 13-59 Review and Approval of Rough Grading Plans

Upon acceptance of the construction drawings for detailed review by the Director of Engineering and Public Works, the applicant may request zoning clearance for rough grading operations. Rough grading plan approval shall include a plan, which meets the requirements of the Leesburg Design and Construction Standards Manual, latest edition.

The Director of Engineering and Public Works shall review the rough grading plan and issue a Rough Grading Permit. For the purposes of these Subdivision and Land Development Regulations, "rough grading" shall be limited to clearing trees, grubbing of roots, cut but not fill for roadways and overlot grading.

Sec. 13-60 Review and Approval of Final Subdivision Plat

Upon approval of construction drawings, the applicant shall submit a final version of the final plat reflecting all modifications necessitated by the approved construction drawings. The final plat and application shall contain all information required by these Subdivision and Land Development Regulations.

(a) Conformance with Approved Preliminary Plat.

The final plat shall be in substantial compliance with the approved preliminary plat for the property. It is understood that the final location and alignment of required public improvements, as shown in the approved construction drawings, may result in minor alterations to the subdivision layout shown on the preliminary plat.

(b) Submission of Final Subdivision Plat.

An application for approval of a final plat of a proposed subdivision shall be submitted to the Land Development Official and shall include the following:

- (1) An application for final plat approval in a form approved by the Land Development Official.
- (2) Five (5) copies of the proposed final plat. (Amended 4/9/96)
- (3) The fee for final plat approval.
- (4) Any agreements guaranteeing the installation of public improvements, as shown on the approved construction drawings.

(c) Review for Completeness and Technical Accuracy.

The Land Development Official shall review the plat for compliance with the approved preliminary plat, approved construction drawings, the Zoning ordinance and all applicable provisions of this ordinance. The applicant shall, within 15 working days of the submission of the final version of the record plat, be notified as to whether the final plat has been accepted or rejected, based on whether or not deficiencies have been corrected.

(d) Land Development Official Review and Action on Final Plat.

If a final plat is submitted prior to the approval of the construction drawings the final plat will be reviewed concurrently with the review of the construction drawings and the Land Development Official shall take action to approve, ~~approve with conditions agreed to in writing by the applicant,~~ or disapprove the final plat within 60 days of the time the final plat is accepted. If a final plat is submitted after approval of the construction drawings the Land Development Official shall take action within ten (10) working days of acceptance of the final plat. If the final plat is disapproved, the Land Development Official shall notify the applicant, in writing, stating the reasons for the disapproval and indicating ~~in general terms~~ the modifications or corrections necessary for approval of the final plat. The applicant may resubmit the final plat, indicating how the deficiencies have been corrected. If a disapproved final plat is resubmitted with modifications and corrections, the Land Development Official shall act on the plat within 45 days after it has been accepted. (Amended 4/9/96)

(e) Cluster Subdivisions, Action on Final Plat.

For cluster subdivisions, the procedure for review and approval of final plats shall be the same as for conventional subdivisions. (Amended 8/10/04)

Sec. 13-61 Recordation of Final Plat

The applicant shall file or record the approved final plat with the Clerk of Circuit Court of Loudoun County within six (6) months of the date of final approval by the Land Development Official and shall also furnish the Land Development Official with the following:

- (a) Proof of recordation of the final plat, in a form approved by the Land Development Official; and
- (b) Six prints and one reproducible copy of the executed final plat, and three copies and the original of the associated deed. The applicant shall also submit one copy of the final plat to the Loudoun County Commissioner of Revenue. If the applicant fails to file or record the final plat and provide the copies as required above, final plat approval shall be withdrawn by the Land Development Official and the applicant subdivider shall be notified that the final plat has been marked “void” and subdivision has been vacated.

Sec. 13-61.1 Vacating a Plat

- (a) Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

- (1) With the consent of the Town Council, by the owners, proprietors, and trustees, if any, who signed the statement required by Sec. 13-62(c)(5)(b) of these Subdivision and Land Development Regulations, by a written instrument declaring the plat to be vacated. Such written instrument must be duly executed, acknowledged, or proved, and recorded in the same clerk’s office wherein the plat to be vacated is recorded; or
- (2) By ordinance, provided that no facilities for which bonding is required pursuant to Secs. 13-92 through 13-95 of these Subdivision and Land Development Regulations have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The execution and recordation of such written instrument or ordinance of vacation shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in and to the property, and to reinvest the owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage, and other public areas laid out or described in the plat.

- (b) Where any lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

(1) By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat, and approved and signed on behalf of the Town Council. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the only lot owner signatures required are those lot owners immediately adjoining or contiguous to the vacated area. "Owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded; or

(2) By ordinance.

The execution and recordation of such written instrument or ordinance shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley, or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors, and trustees, if any, who signed the statement pursuant to Sec. 13-62(c)(5)((c)) of these Subdivision and Land Development Regulations free and clear of any rights of public use in the same.

Sec. 13-61.2 Minor Modifications to Approved Construction Drawings

(a) The Minor Modifications process is intended to allow the submission of revised insert sheets for minor modifications to approved construction drawings of active projects prior to release of the associated performance bond. If no performance bond is associated with the project, insert sheets for revisions may be submitted prior to issuance of the final occupancy permit. The Revisions process is appropriate for any of the following:

- (1) Additions to buildings or uses when such addition does not exceed 2000 square feet or one-third (1/3) of the gross floor area of the building, whichever is smaller;
- (2) Minor shifts in a building location by no more than 10 feet;
- (3) A new freestanding accessory building of not more than a total of 500 square feet;
- (4) Reconfiguration of architectural features.
- (5) Additions or alterations to provide an accessibility improvement;
- (6) Internal rearrangement or minor expansion (no more than 10%) of a parking lot;
- (7) Changes to walkways or landscape plans;
- (8) Adjustments in underground utilities;
- (9) Adjustments in grading.

(b) All revision sheet applications shall be submitted to the Land Development Official with the following:

- (1) An updated Land Development Application reflecting any changes since the initial submission;
- (2) A cover letter explaining the revisions made to the approved plans;
- (3) 5 copies of the revision sheets; and
- (4) Review fee

Sec. 13-62 Required Contents of Subdivision Plats

(a) Required Contents of Plats, Generally.

All preliminary and final plats shall provide all the facts necessary to show compliance with these Subdivision and Land Development Regulations. The Land Development Official shall have the authority to waive certain submittal requirements for plats, if it is determined such information is not necessary for the review and approval of the plat and that not providing the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or the Subdivision and Land Development Regulations. Such waivers must be approved prior to submission of the plat.

(b) Preliminary Plat Contents.

Unless a waiver is approved, as authorized in paragraph (a) above, all applications for preliminary plat approval shall be accompanied by the following information:

(1) General Information.

- ((a)) Name of the proposed subdivision, which shall not duplicate or closely resemble that of any existing subdivision in the Town.
- ((b)) Proposed use(s) of the property.
- ((c)) Names and addresses of owner(s) of record and applicant subdivider.
- ((d)) Names, address, signature and registration of professionals preparing the plat.
- ((e)) Deed reference, ~~tax map and parcel number~~ property identification number (PIN).
- ((f)) Date plat was drawn and date of any revision.
- ((g)) Vicinity map.
- ((h)) Existing zoning, including any proffers associated with the property.
- ((i)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the subject property is to be subdivided. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with these requirement.

- ((j)) Proof of any approved special exceptions, variances or waivers necessary for the subdivision.
- ((k)) Include the following note on the plat:
Preliminary plat approval is initially valid for a period of ~~three~~ five years, provided the applicant submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the applicant has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, the Planning Commission may revoke such approval upon a specific finding of facts that the applicant has not diligently pursued approval of the final subdivision plat. One year extensions of this approval will be considered annually. No more than two extensions will be considered in cases where an applicant has not recorded a final plat for any section of the preliminary plat. The applicant will not receive any notification from the Town of this plat's expiration. The applicant is responsible for filing an extension request in accordance with the Town's ordinance in effect on the date application.
- ((l)) Identify any variation requests with a note on the plat.
 (Amended 4/9/96)
- (2) Project Tabulations.
 - ((a)) Gross acreage of the subdivision, to the nearest one-tenth of an acre and the acreage remaining in the original tract, if any.
 - ((b)) Number of lots.
 - ((c)) Minimum lot area.
 - ((d)) Average lot size.
 - ((e)) Minimum lot width
 - ((f)) Area in lots.
 - ((g)) Area in common open space.
 - ((h)) Common open space as percentage of the subdivision.
- (3) Existing Site Conditions. The preliminary plat shall illustrate the following conditions:
 - ((a)) Map of survey of the boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines.
 - ((b)) Existing topography with maximum of five-foot contour interval.
 - ((c)) Location and full width of existing rights-of-way.
 - ((d)) Location and width of existing roadways.
 - ((e)) Location and explanation of any existing easements.

- ((f)) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.
- ((g)) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- ((h)) All overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision.
- ((i)) Names of all abutting subdivisions ~~or~~ and names of owners of record of abutting property.
- ((j)) Existing uses and zoning of all adjoining properties.
- ((k)) Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plat. Groups of trees may be delineated by drawing the drip line around the group's perimeter.
- ((l)) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.
- ((m)) Exact location of existing buildings and parking areas adjacent to or across the street from the proposed subdivision.
- ((n)) Archeological, natural and historical features and landmarks to the extent as previously documented. Plat shall be revised to delineate any such features or landmarks discovered during the review process.
- ((o)) Location and description of all U.S.G.S. survey control monuments or equivalent.
- ((p)) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property.
- ((q)) Identification and location of any grave, object, or structure marking a place of burial.

(Amended 4/9/96)

(4) Graphic Requirements.

- ((a)) All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch, with north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly marked "preliminary plat." If more than one sheet is necessary, a match line and corresponding sheet numbering system shall be provided.
- ((b)) Location, right-of-way width and typical pavement section of all proposed streets, common driveways, parking courts, sidewalks, and trails. Proposed streets shall include approved and/or reserved street names. If the subdivision is for only part of the original tract, the preliminary plat shall show a proposed future street layout of such remaining acreage to make certain that proper orientation and size of future streets may be developed with the proposed plat. A disclaimer note indicating that the future street layout is only tentative and may be subject to change shall be included on the plat.

(Amended 4/9/96)

- ((c)) The proposed lot and yard requirements with approximate dimensions, lot areas, and tentative lot numbers.
- ((d)) Preliminary plans for water, storm and sanitary sewer systems for the subdivision, including any off-site improvements.
- ((e)) All proposed connections to existing water lines, sanitary sewer lines and storm drainage structures.
- ((f)) Preliminary layout of provision for ~~collection~~ioning and discharging surface drainage.
- ((g)) Preliminary plans for erosion and sedimentation control measures.
- ((h)) An indication of phases or sections within the proposed subdivision and the order of development.
- ((i)) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.
- ((j)) Drainage improvements proposed in the Town's Storm Drainage Master plan within the subdivision or within 100 feet of the subdivision.
- ((k)) Location and size of existing and proposed public open spaces within and adjacent to the subdivision.
- ((l)) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications for cul-de-sacs.
- ((m)) If the Leesburg Zoning Ordinance requires the provision of a buffer yard, the plat shall indicate the type and location of the buffer yard proposed.
- ((n)) If significant topographic changes are proposed, the plat shall indicate the areas and approximate depths of cut and fill.
- ((o)) If modifications to the 100-year floodplain are proposed, the plat shall indicate the existing and proposed limits of such floodplain.
- ((p)) Identification of tree protection and tree preservation areas within the subdivision.
- ((q)) Preliminary design of facilities proposed within common open space areas, including the number of parking spaces proposed, if any.
- ((r)) Location of proposed fire hydrants and/or distance to nearest existing hydrant.
- ((s)) A blank space two by ~~three~~ six inches in size on the first sheet for use as a signature panel for approval.
- ((t)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Design and Construction Standards Manual, if applicable.

(Amended 4/9/96)

(5) Other Information

- ((a)) If the subdivision is not to be served by ~~central~~ public water and sanitary sewer facilities, written approval of the proposed locations of wells and sewage disposal systems shall be obtained from the Loudoun County Health Director or his designee and submitted with the preliminary plat.

(Amended 4/9/96)

- ((b)) A stakeout plan, along with a certificate indicating that the property has been staked in accordance with the plan. Stakes shall be placed at 100-foot intervals along the approximate centerline of public and private roads. In addition, all parcel corners and proposed entrances, other than single-family detached driveways, shall also be staked. The stakeout plan and field stakes shall have a corresponding reference system. Field stakes must be clearly visible; however, trees with a diameter of six inches or more should not be cleared for these purposes.
- ((c)) The applicant shall submit a complete Type I soils report. A detailed Type II geotechnical investigation may be submitted in lieu of the Type I soils report.
- ((d)) Outline of proposed deed covenants, which may affect the type or location of structures, use of properties, or access to public rights-of-way.
- ((e)) If the proposed subdivision includes any areas designated in the Town Plan as proposed sites for schools, parks, bike paths, or other public uses, the preliminary plat shall include a statement regarding the applicant's intention to provide such public use(s).
- ((f)) The application shall include information related to the projected traffic generated by the property and the need for turn lanes and similar improvements. Furthermore, if the subdivision is expected to generate 500 vehicles per day or more, a traffic study shall be submitted in accordance with Section 7-111 of the Leesburg Design and Construction Standards Manual, latest edition.
- ((g)) ~~An 8.5 inch by 11 inch transparency reduction of the total preliminary plat.~~ A digital image file in a format that is acceptable to the Town.

(Amended 4/9/96)

(c) Final Plat Contents.

Unless a waiver is approved, as authorized in Section 13-62(a) herein, all applications for final plat approval shall be accompanied by the following information:

- (1) General Information.
 - ((a)) Name of subdivision, town, county and state.
 - ((b)) Names and addresses of owners.
 - ((c)) Names of any holders of easements or liens affecting the plat.
 - ((d)) Name of the licensed professional surveyor or engineer who prepared the plat.
 - ((e)) Date of plat preparation and dates of any revisions.

- ((f)) General location map at a scale of not less than six inches equals one mile, indicating thereon roads and their names and numbers, town corporate limits, subdivisions and other landmarks.
 - ((g)) Boundary survey, with an error of closure within the limit of one in ~~ten~~ twenty thousand, related to the true meridian or the Virginia State Grid and including a ~~A~~ minimum of four-coordinate tick marks ~~as determined by the Land Development Official.~~
 - ((h)) Proposed use(s) of the area being subdivided.
 - ((i)) All covenants and restrictions, which will run with the land.
 - ((j)) Statement regarding the removal of obstructions in easements.
 - ((k)) Certificate signed by a Commonwealth of Virginia Certified Land Surveyor setting forth the source of title and the place of record of the last instrument in the chain of title.
- (2) Project Tabulations.
- ((a)) Total area within the final plat, to the nearest one-one thousandth of an acre.
 - ((b)) Data for all curves along street frontages showing: delta, radius, arc, tangent, chord and chord bearing.
 - ((c)) Setback and yard requirements.
- (3) Existing Conditions.
- ((a)) Adjoining recorded subdivision plats and adjoining unplatted land with owner's name.
 - ((b)) Accurate location of Town Corporate Limit Line, if within the subdivision or within 100 feet thereof.
 - ((c)) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - ((d)) Accurate location of all existing easements, public or private which are upon the property, including the deed book and page, or instrument number reference.
- (4) Graphic Requirements.
- ((a)) The scale of the drawing shall be not less than 100 feet to the inch and such scale shall be clearly shown.
 - ((b)) Each sheet shall be 18 by 24 inches and individually numbered.
 - ((c)) All drawings shall be drawn with waterproof ink on suitable material.
 - ((d)) A north arrow.
 - ((e)) If more than one sheet is necessary, the relationship between individual sheets shall be depicted.

- ((f)) All dimensions of all lots and parcels shown in feet, and decimals of a foot to the closest one-one hundredth of a foot; all bearings in degrees, minutes and the nearest ten seconds.
 - ((g)) The number and area of all lots and parcels.
 - ((h)) All survey monuments, lot corners, block markers and benchmarks, together with their descriptions.
 - ((i)) Boundaries, purposes and widths of all easements.
 - ((j)) Boundaries of parks, school sites or other public areas.
 - ((k)) All existing and platted streets, their names, route numbers and right-of-way widths.
 - ((l)) The accurate outline, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of the property owners.
 - ((m)) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use.
 - ~~((n)) A signature panel for all requisite town approvals~~
 - ((on)) The location and dimensions of any temporary cul-de-sacs and a statement regarding the reversion of land within the temporary turn-around.
 - ~~((po))~~ When the subdivision consists of land with more than one current land owner, outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts placed on the plat.
 - ((ep)) Identification of all private streets, indicating public and/or emergency vehicle ingress/egress easements.
- (5) Other Information.
- ((a)) A signature line for the Zoning Administrator to certify that the proposed lots comply with the zoning regulations.
 - ~~((b)) A signature line for the Land Development Official to certify that the proposed lots comply with the Subdivision and Land Development Regulations.~~
 - ~~((bc))~~ A signed statement certifying that the land is being platted with the free consent and in accordance with the desires of the owners, proprietors and trustees.
 - ((ed)) A deed of dedication and/or deed of easement for all rights-or-way, easements, or other properties which will be conveyed to the Town of Leesburg as a result of the subdivision, in a form approved by the Town Attorney.

- ((de)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the subject property is to be subdivided. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.

Sec. 13-63 Required Contents of Construction Drawings

Refer to the Leesburg Design and Construction Standard Manual, Section 10-100.

Division 3 | Development

Sec. 13-64 Land Development, Generally

The purpose of these regulations is to ensure the appropriate development of land and control of land disturbing activities within the Town of Leesburg, ~~in a manner consistent section 15.2-2246 of the State Code.~~ In particular, it is the intent of these regulations to encourage the development of safe and attractive residential neighborhoods and nonresidential developments; ensure adequate provision for drainage and appropriate public street access between and among adjacent properties; ensure the provision of appropriate arrangements of buildings and parking areas on the site and with nearby properties; obtain public right-of-way, easements and other public land dedications, consistent with the Town Plan; maintain appropriate buffers between potentially incompatible uses; discourage development on steep slopes and in floodplains; and avoid disturbance of historical, archeological, and/or natural significant features and landmarks. (Amended 8/10/04)

Sec. 13-64.1 Final Site Plan

- (a) This ~~Article~~ Division shall apply to development and certain types of land disturbing activities defined below. Public improvements and such rights-of-way and easement dedications required by this ~~Article~~ Division shall be completed by the ~~developer applicant~~. No ~~building or~~ zoning permit shall be issued by ~~the Building Inspector or the~~ Zoning Administrator and no water or sewer connection permit shall be issued by the Town Manager for any development unless the requirements of this ~~Article~~ Division are met.
- (b) Developments with the following features are governed by this ~~Article~~ Division:
 - (1) ~~Development in which automobile parking space is to be used by more than one establishment.~~
 - (2)-(1) Development involving new construction or expansion of structures with over 6,000 square feet of gross floor area, except as otherwise provided in (c) below.
 - (3) ~~New construction in the Historic District.~~
 - (2) Developments or Land Disturbing Activities that require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.
- (c) A Minor Site Plan application will be accepted in lieu of a Final Site Plan if the criteria set forth in Section 13-64.2 are met.
- (e) ~~Developments described below are not governed by this Article:~~
 - (1) ~~Development where a county building permit is not required, public facilities are not required or proposed and where the Land Development Official has certified to the Commission that the development will have no adverse physical impact on existing public improvements or adjacent private property.~~

- ~~(2) Construction, reconstruction or expansion of structures where no public facilities are required or proposed and where the Land Development Official has certified to the Commission the development will have no adverse physical impact on existing public improvements or adjacent private property.~~
- ~~(3) Construction, reconstruction or expansion of structures where the Land Development Official has certified to the Commission that the bonded value of the proposed public facilities is less than \$3,000, and the private improvements have no adverse physical impact on adjacent private property.~~

~~The official's certifications require approval of the commission for special conditions regarding the development's location, character and other features and shall require a guarantee or bond to insure any conditions imposed are complied with.~~

Approval of any Final Site Plan within the Historic District does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Final Site Plan approvals.

Sec. 13-64.2 Minor Site Plan

- (a) This Section shall apply to certain types of development and land disturbing activities not requiring a Final Site Plan as defined in (b) below. Public improvements and such rights-of-way and easement dedications required by this Division shall be completed by the applicant. No zoning permit shall be issued by the Zoning Administrator and no water or sewer connection permit shall be issued by the Town Manager for any development unless the requirements of this Division are met.
- (b) "By-Right" Development and Land Disturbing Activities with the following features are governed by this Division:
 - (1) Overlot Grading plans for up to two Residential lots of record not associated with a previously approved set of Construction Drawings that currently has an active public improvements bond associated with it and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
 - (2) New Construction or Re-construction of Public Facilities and / or Residential, Commercial, Retail, Office, Industrial or Institutional uses with less than 6000 square feet of gross floor area that do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies and where the Applicant can verify to the Land Development Official that the bonded value of the proposed public facilities is less than \$30,000; or
 - (3) Development or land disturbing activities where a county building permit is not required, public facilities are not required or proposed but where the land disturbing (grading) activities involve more than 3,000 square feet of disturbance (including but not limited to parking lots, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, etc.) ; or
 - (4) Expansion of existing structures within Residential ,Commercial, Retail, Office,

Industrial or Institutional uses with less than 6,000 square feet of gross floor area proposed and where the Applicant can verify to the Land Development Official that the bonded value of the proposed public facilities is less than \$30,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.

Approval of any Minor Site Plan within the Historic District does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Minor Site Plan approvals.

Sec. 13-64.3 Site Plan Waiver

- (a) The following land development applications shall not be subject to the Final Site Plan or Minor Site Plan process and can be processed as a Site Plan Waiver:
 - (1.) In-ground swimming pools;
 - (2.) 1,000 to 3,000 sq. ft. of land disturbance, such as building additions, accessory structures, and patios.
- (b) Prior to submission of a Site Plan Waiver the applicant shall meet with the Land Development Official to discuss the proposed improvements.
- (c) A land development application for the Site Plan Waiver shall be submitted to the Land Development Official and be accompanied by the required fee, a statement describing the proposed use, and four (4) copies of the plan. The application shall be referred to the Zoning Administrator and the Department of Engineering & Public Works for review.
- (d) The plan shall be sealed by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect and include the following information, unless it is determined such information is not necessary for the review and approval of the plan and that not providing the information will in no way adversely affect any public improvements or adjoining properties:
 - (1.) Existing topography with 2-foot contour intervals;
 - (2.) Property boundaries with dimensions;
 - (3.) Proposed topography with 2-foot contour intervals and applicable spot shots;
 - (4.) All existing on-site easements;
 - (5.) Setbacks;
 - (6.) Existing drainage structures and drainage divides; and
 - (7.) Existing facilities, such as buildings, driveways, and fences
 - (8.) Stormwater management and BMP controls, if applicable.
 - (9.) Proposed improvements

Sec. 13-65 Preapplication Procedure

Prior to submission of a ~~preliminary development~~ Final Site Plan or a Minor Site Plan the applicant should meet with the Land Development Official to present a concept plan of the proposed development and to participate in an informal conference regarding plans for development; however, representations concerning plans do not bind the ~~Commission~~ Town or ~~developer~~ applicant.

~~The applicant may submit a combined preliminary/final development site plan upon receipt of written authorization by the Land Development Official. If (1.) floodplain exists on, or is adjacent to, the site, or (2.) the site contains a watercourse, or is contiguous to a watercourse, with a drainage area greater than 50 acres upstream of the subject site, a pre-application meeting shall be required to discuss the impact the Town and/or FEMA floodplain has on the property, as well as the need for submission requirements of the floodplain and floodplain alteration studies as it relates to the submission of the Final Site Plan or Minor Site Plan.~~

~~Sec. 13-66 Filing of Preliminary Development Plan~~

~~Following the pre application conference, the applicant is authorized to submit a preliminary development plan, and the application for approval of the proposed development to the Land Development Official. Preliminary Development plan applications shall include the following:—~~
(Amended 9/8/94)

- ~~(a) — Application for preliminary plan approval, in a form approved by the Land Development Official.~~
- ~~(b) — Five (5) copies of the preliminary plan. Additional copies may be required due to the number of agencies reviewing the application.~~
- ~~(c) — The application fee required for filing the preliminary plan.~~

~~Sec. 13-67 Approval of Preliminary Development Plan~~

- ~~(a) — Review for Completeness and Technical Accuracy. ————— (Amended 9/8/94)~~

~~The Land Development Official shall conduct an initial review of the application and preliminary development plan for completeness and technical accuracy. Within fifteen (15) working days of application submittal, the Land Development Official shall notify the applicant as to whether the plan has been accepted or rejected based on significant deficiencies in the proposed preliminary plan application. Applications for preliminary development plan approval which are deemed incomplete shall not be accepted until the deficiencies have been properly addressed.~~

- ~~(b) — Referral of an Application to Review Agencies. ————— (Amended 9/8/94)~~

~~Upon acceptance of a complete application the Land Development Official shall request additional copies of the complete application from the applicant and, upon receipt, shall forward the plan and related information to the following review agencies as necessary:~~

- ~~(1) — Department of Engineering and Public Works~~
- ~~(2) — Fire Marshal~~
- ~~(3) — Leesburg Volunteer Fire Company~~
- ~~(4) — Loudoun County Department of Environmental Resources~~

- (5) ~~Applicable utility companies~~
- (6) ~~Virginia Department of Transportation, when such application affects a road maintained by the Commonwealth of Virginia~~
- (7) ~~Any other Federal, State, Town or County agency which may have cause to review the application.~~
- (e) ~~Detailed Staff Review of Application.~~ (Added 9/8/94)
- ~~The Land Development Official shall coordinate the review by referral agencies. The official shall report in writing those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.~~
- (d) ~~Land Development Official Review and Action.~~
- ~~The Land Development Official shall act on the application within sixty (60) calendar days of the time the Land Development Official determines that the application is complete. The Land Development Official shall act to approve the plan, approve the plan with revisions agreed to in writing by the applicant, or disapprove the plan. If the plan is disapproved, the Land Development Official shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify the corrections or modifications that would permit approval. This time period for action may be extended by mutual agreement of both the town and the applicant.~~
- ~~(Amended 8/10/04)~~
- (e) ~~Resubmittal of Preliminary Plans not approved by the Land Development Official.~~
- ~~The applicant may revise and resubmit an application and fee for preliminary plan approval, after said plan has been disapproved. The resubmitted preliminary plan application shall be reviewed and processed in accordance with the procedures established in Section 13-67 of these regulations.~~ (Amended 8/10/04)
- (f) ~~Significance of Preliminary Development Plan Approval; Expiration of Preliminary Plans.~~
- ~~Preliminary development plan approval is tentative and does not authorize the construction of any improvements within the development.~~
- ~~Approvals or conditional approvals of a preliminary plan shall be valid for three years from the date of action.~~ (Amended 9/8/94 and 8/10/04)
- (g) ~~The Land Development Official shall return to the applicant one copy of an application and preliminary plan which has been disapproved noted with the reasons for the disapproval and non-conformance with this Article.~~ (Amended 8/10/04)
- (h) ~~The Land Development Official shall approve any development plan that generally conforms with the preliminary development plan, and conforms to the Subdivision and Land Development Regulations, the Zoning Ordinance and the Leesburg Design and Construction Standards Manual, latest edition and if nothing has come to the attention of the Land Development Official that is materially adverse or contrary to the requirements or purpose of these regulations. The location and alignment of public facilities may be changed if necessary as the result of final engineering design between the preliminary plan approval and the final plan submission.~~ (Amended 9/8/94 and 8/10/04)

~~(i) Extensions of Preliminary Development Plan Approvals. (Added 9/8/94)~~

~~An applicant may request a one year extension of preliminary plan approval. The Town will not be responsible to notify applicants of the expiration date of an approved preliminary plan. No more than three extensions will be considered for any plan. The procedure to extend a preliminary plan approval is as follows:~~

- ~~(1) A written request to extend the preliminary plan approval and the associated fee must be submitted at least 45 calendar days, prior to the expiration date of a preliminary plan. An extension request will not be considered after the expiration of the plan.~~
- ~~(2) Approvals of extension requests will be granted, provided the applicant submits a written agreement that the final development plan will comply with all Town Ordinances in effect at the time of the requested extension, and no revisions to the approved preliminary plan will be necessary to meet the current regulations.~~

~~(Amended 8/10/04)~~

~~((a)) Staff will review the plan to certify if the plan is in compliance with the current ordinances and that revisions to the plan are not necessary.~~

~~((b)) Following staff review, and within 15 working days of the date of submission, the Land Development Official shall notify the applicant that the extension has been granted or that further processing is required due to conflict with the current ordinances.~~ (Amended 8/10/04)

- ~~(3) Preliminary Plans which have already received extensions are eligible for further one year extensions provided that a preliminary plan may not be valid for more than five (5) years.~~ (Amended 8/10/04)

Sec. 13-686 Filing of Final Development Site Plan

~~An complete~~ application for approval of a Final Site Plan of a proposed development shall be submitted to the Land Development Official as set out below. A complete application shall include the following:

- (a) ~~Three~~ copies of an completed application form for Final Site Plan approval in a form as approved by the Land Development Official ~~shall be submitted.~~
- (b) ~~Nine Ten~~ copies each of the proposed Final Site Plan ~~shall be submitted with the application.~~
- (c) ~~The applicant shall pay the fee required for filing Final Site Plans when the application is submitted~~ review fee.
- (d) Before consideration of Final Site Plan approval by the Land Development Official, the applicant shall execute an agreement in a form approved by the Town Attorney for compliance with this Article Division and installation of required improvements within two (2) years after Final Site Plan approval unless such period is extended by the Town Council and shall:

(Amended 4/9/96)

- (1) Have installed all improvements required by this ~~Article~~ Division in accordance with construction plans approved by the Director of Engineering and Public Works in accordance with Section 13-679 and certify to the Town Council that construction costs have been paid to the person constructing such improvements; or
- (2) Furnish a certified check payable to the Town of Leesburg in the amount of the estimated cost of construction, as determined by the Director of Engineering and Public Works, which sum shall be returned by the Town only upon completion, approval and acceptance of the improvements in strict conformity with the approved Final Site Pplans; or
- (3) Furnish a bond by a ~~security~~ surety company or other guarantee satisfactory to the Town Council in an amount sufficient to cover the estimated costs of construction as determined by the Director of Engineering and Public Works and conditioned upon the construction of the required improvements in strict conformity with the approved Final Site Pplans.

Sec. 13-697 Approval of Final-Development Site Plans

- (a) Review for Completeness and Technical Accuracy.

The Land Development Official shall conduct an initial review of the application and ~~Ffinal-development Site P~~plan for completeness and technical accuracy. Within ten (10) working days of application submittal, the Land Development Official shall notify the applicant as to whether the plan has been accepted or rejected based on significant deficiencies in the proposed ~~Ffinal Site P~~plan application. Applications for ~~Ffinal Site P~~plan approval which are deemed incomplete shall not be accepted until deficiencies have been properly addressed.

- (b) Referral of an Application to Review Agencies.

Upon acceptance of a complete application the Land Development Official shall request additional copies of the complete application from the applicant and, upon receipt, shall forward the plan and related information to the following review agencies as necessary.

- (1) Department of Planning, Zoning and Development
- (~~1~~) (2) Department of Engineering and Public Works
- (~~2~~) ~~Fire Marshall~~ (3) Department of Utilities
- (~~3~~) ~~Leesburg Volunteer Fire Department~~ (4) Loudoun County Fire Plan Reviewer/Inspector
- (~~4~~) (5) Loudoun County Erosion and Sediment Control Program Manager
~~Department of Mapping and Geographic Information~~
- (~~5~~) (6) Applicable utility companies
- (~~6~~) (7) Virginia Department of Transportation, when such application affects a road maintained by the Commonwealth of Virginia
- (~~7~~) (8) Any other Federal, State, Town or County agency, which may have cause to review the application.

If state agency approval of a feature or features of the Final Site Plan is necessary, the Land Development Official shall forward the final site plan to the appropriate state agency or agencies for review within 10 business days of receipt of the complete application.

(c) Detailed Staff Review of Application.

The Land Development Official shall coordinate the review by referral agencies. The official shall report in writing those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

(d) Land Development Official/Director of Engineering and Public Works Action.

If the Final Site Plan has been submitted to a state agency or agencies for review, the state agency or agencies shall complete the review within 45 days of receipt of the Final Site Plan. After receipt of approvals from all state agencies that have reviewed such plan, the Land Development Official shall act upon such final site plan within 35 days. However, in no event shall the Land Development Official be required to approve a Final Site Plan in less than 60 days from the date of original submission of the complete application.

If the Final Site Plan has not been submitted to a state agency or agencies for review, ~~the~~ The Land Development Official shall act on the application within sixty (60) days of ~~the time that the application was accepted~~ receipt of the complete application for review. The Director of Engineering and Public Works shall take action on the associated construction drawings within this same time frame. If the plan is disapproved, the Land Development Official shall notify the applicant of such disapproval and shall set forth in writing the reasons for his disapproval. The Director of Engineering and Public Works shall notify the applicant of such disapproval ~~to~~ of the associated construction drawings in the same manner. If a Final Site Plan and/or the associated construction drawings are disapproved, the applicant may resubmit a complete application that has been modified and corrected, and the Land Development Official and Director of Engineering and Public Works shall have forty-five (45) days from receipt of such Final Site Plan and/or the associated construction drawings to act.

(Amended 4/9/96)

Sec. 13-68 Filing of Minor Site Plan

An application for approval of a Minor Site Plan of a proposed development or Land Disturbing Activity shall be submitted to the Land Development Official as set out below:

- (a) Three copies of a **completed** application form for Minor Site Plan approval in a form as approved by the Land Development Official.
- (b) Seven copies each of the proposed Minor Site Plan shall be submitted with the application.
- (c) The applicant shall pay the fee required for filing a Minor Site Plan when the application is submitted.

- (d) Before consideration of Minor Site Plan approval by the Land Development Official, the applicant shall execute an agreement in a form approved by the Town Attorney for compliance with this Division and installation of required improvements within two (2) years after final approval of the Minor Site Plan unless such period is extended by Council and shall:
- (1) Have installed all improvements required by this Division in accordance with the Minor Site Plan approved by the Director of Engineering and Public Works in accordance with Section 13-69 and certify to the Town Council that construction costs have been paid to the person constructing such improvements; or
 - (2) Furnish a certified check payable to the Town of Leesburg in the amount of the estimated cost of construction, as determined by the Director of Engineering and Public Works, which sum shall be returned by the Town only upon completion, approval and acceptance of the improvements in strict conformity with the approved minor site plan; or
 - (3) Furnish a bond by a surety company or other guarantee satisfactory to the Town Council in an amount sufficient to cover the estimated costs of construction as determined by the Director of Engineering and Public Works and conditioned upon the construction of the required improvements in strict conformity with the minor site plan.

Sec. 13-69 Approval of Minor Site Plans

- (a) Review for Completeness and Technical Accuracy.

The Land Development Official shall conduct an initial review of the application and Minor Site Plan for completeness and technical accuracy. Within ten (10) working days of application submittal, the Land Development Official shall notify the applicant as to whether the plan has been accepted or rejected based on significant deficiencies in the proposed Minor Site Plan application. Applications for Minor Site Plan approval which are deemed incomplete shall not be accepted until deficiencies have been properly addressed.

- (b) Referral of an Application to Review Agencies.

Upon acceptance of a complete application the Land Development Official shall request additional copies of the complete application from the applicant and, upon receipt, shall forward the plan and related information to the following review agencies as necessary.

- (1) Department of Planning, Zoning and Development
- (2) Department of Engineering and Public Work
- (3) Department of Utilities
- (4) Loudoun County Fire Plan Reviewer/Inspector
- (5) Loudoun County Erosion and Sediment Control Program Manager
- (6) Applicable utility companies
- (7) Any other County or Town agency which may have cause to review the application.

- (c) Detailed Staff Review of Application.

The Land Development Official shall coordinate the review by referral agencies. The official shall report in writing those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

(d) Land Development Official/Director of Engineering and Public Works Action.

The Land Development Official shall act on the application within sixty (60) days of receipt of the complete application for review. The Director of Engineering and Public Works shall take action on the associated construction drawings within this same time frame. If the plan is disapproved, the Land Development Official shall notify the applicant of such disapproval and shall set forth in writing the reasons for his disapproval. The Director of Engineering and Public Works shall notify the applicant of such disapproval to the associated construction drawings in the same manner. If a Minor Site Plan and/or the associated construction drawings are disapproved, the applicant may resubmit a complete application that has been modified and corrected, and the Land Development Official and Director of Engineering and Public Works shall have forty-five (45) days from receipt of such Minor Site Plan and/or the associated construction drawings to act.

Sec. 13-70 Required Contents of Preliminary Development Plan

- ~~(a) All preliminary plans shall be prepared showing compliance with this manual, Zoning Ordinance, as well as the Leesburg Design and Construction Standards Manual, latest edition.~~
- ~~(b) All preliminary plans shall include the following minimum information:~~
 - ~~(1) General Information:~~
 - ~~((a)) Name of the proposed development plan.~~
 - ~~((b)) Proposed use(s) of the property.~~
 - ~~((c)) Names and addresses of owner(s) of record and developer.~~
 - ~~((d)) Names, address, signature and registration of professionals preparing the plat.~~
 - ~~((e)) Deed reference, tax map and parcel number.~~
 - ~~((f)) Date plan was drawn and date of any revision.~~
 - ~~((g)) Vicinity map.~~
 - ~~((h)) Existing zoning, including any proffers associated with the property.~~
 - ~~((i)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the preliminary plan will be filed with the Town. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books or current land tax records shall be deemed adequate compliance with this requirement.~~

~~((j)) Proof of any approved special exceptions, variances or waivers necessary for the development.~~

~~((k)) Include the following note on the plan: (Added 9/8/94)~~

~~Preliminary plan approval is initially valid for a period of three years. One year extensions of this approval will be considered annually for two successive years. The applicant will not receive any notification from the Town of this plan's expiration. The applicant is responsible for filing an extension request in accordance with the Town's ordinance in effect on the date of application.~~

~~(2) Project Tabulations:~~

~~((a)) Gross acreage of the total development area to the nearest one tenth of an acre.~~

~~((b)) Number of lots.~~

~~((c)) Number of parking spaces required and provided based on:~~

~~1. Highest parking demand in the zone.~~

~~2. Lowest parking demand in the zone.~~

~~3. Proposed parking demand based on the proposed use.~~

~~((d)) Proposed permitted uses by square footage and total square footage of buildings proposed.~~

~~((e)) Interior parking lot landscaping tabulations.~~

~~((f)) Total landscaping area tabulations.~~

~~((g)) Height of building.~~

~~((h)) Minimum yard requirements on each boundary line.~~

~~((i)) Provided yard requirements on each boundary line.~~

~~((j)) Minimum buffer yard on each boundary.~~

~~((k)) Provided buffer yard on each boundary.~~

~~((l)) Percent of lot covered by:~~

~~1. Building.~~

~~2. Parking, Drive, Sidewalks.~~

~~3. Landscaping.~~

~~((m)) Proposed floor area ratio (F.A.R.)~~

~~(3) Existing Site Conditions:~~

~~((a)) Map of survey of the property boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines and dimension limits of area to be subject to preliminary plan approval if different than boundary.~~

~~((b)) Existing topography with maximum of five foot contours.~~

~~((c)) Location and full width of existing right of way.~~

- ~~((d)) — Location and width of any existing roadways.~~
- ~~((e)) — Location and explanation of any existing easements.~~
- ~~((f)) — Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.~~
- ~~((g)) — Location of 100 year flood plain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.~~
- ~~((h)) — All overland water courses and drainage structures within the development.~~
- ~~((i)) — Names of all owners of record of abutting property.~~
- ~~((j)) — Existing uses and zoning of all adjoining property.~~
- ~~((k)) — Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plat. Groups of trees may be delineated by drawing the drip line around the groups perimeter.~~
- ~~((l)) — Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.~~
- ~~((m)) — Exact location of existing buildings and parking areas within the subdivision and approximate location of buildings and parking areas adjacent to or across the street from the proposed development.~~
- ~~((n)) — Archeological, natural and historical features and landmarks to the extent as previously documented. The plat shall be revised to delineate such as discovered during the review process.~~
- ~~((o)) — Location and description of all U.S.G.S survey control monuments or equivalent. (Amended 4/9/96)~~
- (4) — Graphic Requirements:
 - ~~((a)) — All sheets shall be clearly and legibly drawn at a scale not more than 50 feet to the inch, with north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly marked “preliminary development plan”. If more than one sheet is necessary, a match line and corresponding sheet numbering system shall be provided.~~
 - ~~((b)) — Location, right of way width and typical pavement section of all proposed streets, common driveways and parking courts.~~
 - ~~((c)) — The proposed lot and yard requirements with approximate dimensions, lot areas, and tentative lot numbers.~~
 - ~~((d)) — Preliminary layout plans, dimensions, and types of buildings, streets, sidewalks and water, storm and sanitary sewer systems for the development, including any off site improvements. (Amended 4/9/96)~~
 - ~~((e)) — All proposed connections to existing water lines, sewer lines and storm drainage structures.~~

- ~~((f)) Preliminary layout of provisions for collection and discharging surface drainage.~~
- ~~((g)) Preliminary plans for erosion and sediment control measures.~~
- ~~((h)) An indication of phases or sections within the proposed development and the order of development.~~
- ~~((i)) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.~~
- ~~((j)) Drainage improvements proposed in the Town's Storm Water Management Master Plan within 100 feet of the development.~~
- ~~((k)) Location and size of existing and proposed public open spaces within and adjacent to the development.~~
- ~~((l)) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedication for cul-de-sacs.~~
- ~~((m)) If the Leesburg Zoning Ordinance requires the provision of a buffer yard, the plat shall indicate the type and location of the buffer yard proposed.~~
- ~~((n)) If significant topographic changes are proposed, the plat shall indicate the areas and approximate depths of cut and fill.~~
- ~~((o)) If modifications to the 100-year flood plain are proposed, the plat shall indicate the existing and proposed limits of such flood plain.~~
- ~~((p)) Identification of tree protection and tree preservation areas within the subdivision with specific identification of any heritage, specimen or memorial trees, including methods for preservation.~~
- ~~((q)) Preliminary design of facilities proposed within common open space areas, including the number of parking spaces proposed, if any.~~
- ~~((r)) Location of proposed fire hydrants and/or distance to nearest existing hydrant.~~
- ~~((s)) A blank space two by three inches in size on the first sheet for use as a signature panel for Town approval.~~
- ~~((t)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Design and Construction Standards Manual, if applicable.~~

~~——(Amended 4/9/96)~~

~~(5) Other Information:~~

- ~~((a)) If the development is not to be served by central water and sewer facilities, written approval of the proposed location of wells and sewage disposal systems shall be obtained from the Health Director or his designee and submitted with the preliminary plan.~~

- ~~((b)) A stakeout plan, along with a certificate indicating that the property has been staked in accordance with the plan. Stakes shall be placed at 100-foot intervals along the approximate center line of public and private roads. In addition, all parcel corners and proposed entrances shall be staked. The stakeout plan and field stakes shall have a corresponding reference system. Field stakes must be clearly visible; however, trees with a diameter of six inches or more should not be cleared for these purposes.~~
- ~~((c)) The applicant shall submit a complete Type I soils report. A detailed Type II geotechnical investigation may be submitted in lieu of the Type I soils report.~~
- ~~((d)) Outline of proposed deed covenants, which may affect the type or location of structures, use of properties, or access to public rights-of-way.~~
- ~~((e)) If the proposed development includes any area designated in the Town Plan as proposed sites for schools, parks, bike paths, or other public uses, the preliminary plan shall include a statement regarding the applicant's intention to provide such public use(s).~~
- ~~((f)) The application shall include information related to the projected traffic generated by the property and the need for turn lanes and similar improvements. Furthermore, if the subdivision is expected to generate 500 vehicles per day or more, a traffic study shall be submitted in accordance With Section 7-111 of the Leesburg Design and Construction Standards Manual, latest edition.~~
- ~~((g)) An 8.5 inch by 11 inch transparency reduction of the total preliminary plan. (Amended 4/9/96)~~

Sec. 13-70 Minor Modifications to Approved Final Site Plans or Approved Minor Site Plans

- (a) The Minor Modifications process is intended to allow the submission of revised insert sheets for minor modifications to approved Final Site Plans or approved Minor Site Plans of active projects prior to release of the associated performance bond. If no performance bond is associated with the project, insert sheets for revisions may be submitted prior to issuance of the final occupancy permit. The Revisions process is appropriate for any of the following:
 - (1) Additions to buildings or uses when such addition does not exceed 2000 square feet or one-third (1/3) of the gross floor area of the building, whichever is smaller;
 - (2) Minor shifts in a building location by no more than 10 feet;
 - (3) A new freestanding accessory building of not more than a total of 500 square feet;
 - (4) Reconfiguration of architectural features.
 - (5) Additions or alterations to provide an accessibility improvement;
 - (6) Internal rearrangement or minor expansion (no more than 10%) of a parking lot;

- (7) Changes to walkways or landscape plans;
- (8) Adjustments in underground utilities;
- (9) Adjustments in grading.
- (b) All revision sheet applications shall be submitted to the Land Development Official with the following:
 - (1) a cover letter explaining the revisions made to the approved plans;
 - (2) 5 copies of the revision sheets;
 - (3) review fee

Sec. 13-71 Required Contents of Final-Development Site Plan

- (a) All ~~Ffinal-development~~ Site Plans shall be prepared showing compliance with these regulations, the Leesburg Zoning Ordinance, ~~as well as~~ and the Leesburg Design and Construction Standards Manual, latest edition.
- (b) All ~~Ffinal~~ Site Plans shall include the following minimum information:
 - (1) General Information.
 - ((a)) Name of the proposed development.
 - ((b)) Proposed use(s) of the property.
 - ((c)) Names and addresses of owner(s) of record and of the ~~developer~~ applicant.
 - ((d)) Names of any holders of easements affecting the property.
 - ((e)) Names, address, signature and registration of professionals preparing the plat.
 - ((f)) Deed reference, ~~tax map and parcel number~~ property identification number (PIN).
 - ((g)) Date plan was drawn and date of any revision.
 - ((h)) Vicinity map at a scale of not less than six inches equals one mile, indicating thereon roads and their names and numbers, Town Corporate Limits, subdivisions and other landmarks.
 - ((i)) Boundary survey, with an error of closure within the limit of one in ten thousand, related to the true meridian or the Virginia State Grid with minimum of ~~two~~ four grid coordinated tick marks ~~as determined by the Land Development Official~~.
 - ((j)) Existing zoning, including any proffers associated with the property.
 - ((k)) All covenants and restrictions which will run with the land.

- ((l)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the Final Site Plan will be filed with the Town. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- ((m)) Proof of any approved special exceptions, variances, modifications or waivers necessary for the development.
- ((n)) The accurate outlines, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of the property owners.
- ((o)) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use.
- ((p)) When the development consists of property with more than one current land owner, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels placed on the plan.
- ((q)) Identification of all private streets, indicating public and/or emergency vehicle ingress-egress easements.
- ((r)) Proof of all prior Town approvals required prior to Final Site Plan submission.

(1) Rezoning	No.	Date
(2) Preliminary Approval	No.	Date
(3) Special Exception	No.	Date
(4) Variance	No.	Date
(5) Historic District Zoning Permit	No.	Date
(6) Waivers	No.	Date
- ((s)) DCSM Modification Requests shown on cover sheet and all other applicable sheets clearly indicating the modification requested.
- ((t)) Frontage Improvements (if none currently exist or if existing frontage does not meet current standards).
- ((u)) Town Floodplain Limits for all drainage sheds over 50 acres located on or adjacent to the site.
- ((v)) All required Erosion and Sedimentation Controls.
- ((w)) All other requirements of the DCSM.

(2) Project Tabulations.

- ((a)) Gross acreage of the total ~~development plan~~ lot area to the nearest one-tenth of an acre.
- ((b)) Number of lots.
- ((c)) Number of parking spaces required and provided based on the proposed use.
- ((d)) Proposed permitted uses by square-footage and total square footage of buildings proposed.
- ((e)) Interior parking lot landscaping tabulations.
- ((f)) Total landscaping area tabulations.
- ((g)) Height of building.
- ~~((h)) Minimum yard requirements on each boundary line.~~ ((h)) Setbacks required and provided.
- ~~((i)) Provided yard requirements on each boundary line.~~ ((i)) Buffer Yards required and provided.
- ~~((j)) Minimum buffer yard on each boundary.~~
- ~~((k)) Provided buffer yard on each boundary.~~
- ~~((l)) Percentage of lot covered by~~
 - ~~(1) Building.~~
 - ~~(2) Parking, Drive, Sidewalks.~~
 - ~~(3) Landscaping~~
- ~~((m))~~ ((j)) Maximum allowable and P proposed floor area ratio (F.A.R.)

(3) Existing Site Conditions.

The ~~F~~final ~~s~~Site ~~P~~plan shall illustrate the following conditions:

- ((a)) Map of survey of the property boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines and dimensioned limits of area ~~to be~~ subject to ~~F~~final Site Pplan approval ~~in~~ if different than boundary.
- ((b)) Existing topography with maximum of two-foot contours for the entire site and include a minimum 25 foot overlap beyond property boundaries.
- ((c)) Location and full width of existing driveways and access points on the property and within 200 feet of the site.
- ((d)) Location and full width of existing roadways and right-of-way within 200 feet of the site.
- ((e)) Boundaries, purposes and widths of all easements.
- ~~((f)) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.~~

- ~~((g))~~ ((f)) All survey monuments, lot corners, block markers and benchmarks, together with their description, including location and description of all U.S.G.S. survey control monuments, or equivalent.
- ~~((h))~~ ((g)) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- ~~((i))~~ ((h)) All overland watercourses and drainage structures within the development or and within 100 feet of the development.
- ~~((j))~~ Names of all abutting owners of record of abutting property.
- ~~((k))~~ ((i)) Existing uses and zoning of all adjoining properties.
- ~~((l))~~ ((j)) Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plat plan.
- ~~((m))~~ ((k)) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.
- ((l)) Exact location of existing buildings and parking areas within the site and approximate location of buildings and parking areas adjacent to or across the street from the proposed development.
- ((m)) Archeological, natural and historical features and landmarks. The plan shall be revised to delineate such as discovered during the review process.
- ((n)) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property.
- ((o)) Identification and location of any grave, object, or structure marking a place of burial.
- (4) Graphic Requirements.
 - ((a)) All sheets shall be clearly and legibly drawn at a scale no more than 30 feet to the inch, with north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly marked Final-Development Site Plan.
 - ((b)) Location, right-of-way width and typical pavement section of all proposed entrances, parking lots, spaces, aisles, sidewalks, and trails.
 - ((c)) The yard requirements and the dimensioned building footprint, dimensioned layout of all site improvements with all dimensions tied to the boundary survey at all lot boundaries.
 - ((d)) An indication of phases or section within the proposed development and the order of development.
 - ((e)) A soil overlay map at a scale of not less than one inch equals 200 feet with an accompanying narrative.
 - ((f)) Drainage improvements proposed in the Town's Stormwater Management Master Plan within the development or within 100 feet of the development, including layout of all provisions for collecting and discharging surface drainage.

- ((g)) Location and size of existing and proposed public open spaces within and adjacent to the development.
- ((h)) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication including temporary dedication for cul-de-sacs.
- ((i)) If the Leesburg Zoning Ordinance requires the provision of a buffer yard, the plan shall indicate the type and location of the buffer yards proposed.
- ((j)) All proposed connections to existing water lines, sanitary sewer lines and storm drainage structures.
- ((k)) If modifications to the Town and/or FEMA 100-year floodplain are proposed, the plan shall indicate the existing and proposed limits of such floodplain.
- ((l)) Identification of tree protection and tree preservation areas within the site with specific identification of any heritage, specimen or memorial trees, including methods for preservation.
- ((m)) Design of facilities proposed within common open space areas.
- ((n)) Location of proposed fire hydrants and/or distance to nearest existing hydrant.
- ((o)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Design and Construction Standards Manual, if applicable.
- ((p)) Proposed topography with maximum of two-foot contours.
- (5) Other information.
 - ((a)) Use Town of Leesburg standard cover sheet, latest edition.
 - ((b)) A deed of dedication with plat and/or deed of easement with plat for all rights-of-way, easements, or other properties which will be conveyed to the Town of Leesburg as a result of the development, in a form approved by the Town Attorney.
 - ((c)) If the development is not to be served by public water and sanitary sewer facilities, written approval of the proposed location of wells and sewage disposal systems shall be obtained from the Loudoun County Health Director or his designee and submitted with the plan.
 - ((d)) If requested, a stakeout plan, along with a certificate indicating that the property has been staked in accordance with the plan. Stakes shall be placed at 100-foot intervals along the approximate center line of public and private roads. In addition, all parcel corners and proposed entrances shall be staked. The stakeout plan and field stakes shall have a corresponding reference system. Field stakes must be clearly visible; however, trees with a diameter of six inches or more should not be cleared for these purposes.
 - ((e)) The applicant shall submit a complete Type I soils report. A detailed Type II geotechnical investigation may be submitted in lieu of the Type I soils report.

- ((f)) Outline of proposed deed covenants, which may affect the type or location of structures, use of properties, or access to public rights-of-way, if applicable.
- ((g)) If the proposed development includes any area designated in the Town Plan as proposed sites for schools, parks, bike paths, or other public uses, the plan shall include a statement regarding the applicant's intention to provide such public use(s).
- ((h)) The application shall include information related to the projected traffic generated by the property and the need for turn lanes and similar improvements. Furthermore, if the development is expected to generate 500 vehicles per day or more, a traffic study shall be submitted in accordance With the Leesburg Design and Construction Standards Manual, latest edition.
- ((i)) The applicant shall provide a digital image file for all approved and as-built plans in a format that is acceptable to the Town.

Sec. 13-72 Required Contents of Minor Site Plans

- (a) All Minor Site Plans shall be prepared showing compliance with the regulations of all applicable sections of the Leesburg Zoning Ordinance as well as the Leesburg Design and Construction Standards Manual, latest editions.
- (b) All Minor Site Plans shall include the following minimum information:
 - (1) General Information.
 - ((a)) Name of the proposed development.
 - ((b)) Proposed use(s) of the property.
 - ((c)) Names and addresses of owner(s) of record and of the applicant.
 - ((d)) Names of any holders of easements affecting the property.
 - ((e)) Names, address, signature and registration of professionals preparing the Minor Site Plan.
 - ((f)) Deed reference, and property identification number (PIN).
 - ((g)) Date plan was drawn and date of any revision.
 - ((h)) Vicinity map at a scale of not less than six inches equals one mile, indicating thereon roads and their names and numbers, Town Corporate Limits, subdivisions and other landmarks.
 - ((i)) Boundary survey, with an error of closure within the limit of one in ten thousand, related to the true meridian or the Virginia State Grid with minimum of four grid coordinate tick marks.
 - ((j)) Existing zoning, including any proffers associated with the property.
 - ((k)) All covenants and restrictions which will run with the land.
 - ((l)) Names and addresses of all adjoining property owners.
 - ((m)) Proof of any approved special exceptions, variances or waivers necessary for the development.

((n)) When the development or land disturbing activity consists of property with more than one current land owner, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels placed on the plan.

((o)) Identification of all private streets, indicating public and/or emergency vehicle ingress-egress easements.

((p)) Proof of all prior Town approvals required prior to Minor Site Plan submission.

<u>(1)</u>	<u>Rezoning</u>	<u>No.</u>	<u>Date</u>
<u>(2)</u>	<u>Special Exception</u>	<u>No.</u>	<u>Date</u>
<u>(3)</u>	<u>Variance</u>	<u>No.</u>	<u>Date</u>
<u>(4)</u>	<u>Historic District Zoning Permit</u>	<u>No.</u>	<u>Date</u>
<u>(5)</u>	<u>Waivers</u>	<u>No.</u>	<u>Date</u>

((q)) DCSM Modification Requests shown on cover sheet and all other applicable sheets clearly indicating the modification requested.

((r)) Frontage Improvements (if none currently exist or if the existing frontage does not meet current standards).

((s)) Storm Water Management, Best Management Practice and Adequate Outfall Computations and Narratives.

((t)) Town Floodplain Limits for all drainage sheds over 50 acres located on or adjacent to the site.

((u)) All required Erosion and Sedimentation Controls

((v)) All other requirements of section 10-135 of the DCSM

(2) Project Tabulations.

((a)) Gross acreage of the total lot area to the nearest one-tenth of an acre.

((b)) Number of lots.

((c)) Number of parking spaces required and provided based on the proposed use.

((d)) Proposed permitted uses by square-footage and total square footage of buildings proposed.

((e)) Interior parking lot landscaping tabulations.

((f)) Total landscaping area tabulations. (as needed)

((g)) Height of building.

((h)) Setbacks required and provided.

((i)) Buffer Yards required and provided.

((j)) Maximum allowable and proposed floor area ratio (F.A.R.).

(3) Existing Site Conditions.

- ((a)) Map of survey of the property boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines and dimensioned limits of area subject to Minor Site Plan approval if different than boundary.
- ((b)) Existing topography with maximum of two-foot contours for the entire site and include a minimum 25 foot overlap beyond property boundaries.
- ((c)) Location and full width of existing driveways and access points on the property and within 200 feet of the site.
- ((d)) Location and full width of existing roadways and right-of-way within 200 feet of the site.
- ((e)) Boundaries, purposes and widths of all easements.
- ((f)) All survey monuments, lot corners, block markers and benchmarks, together with their description.
- ((g)) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- ((h)) All overland watercourses and drainage structures within the development or within 100 feet of the development.
- ((i)) Existing uses and zoning of all adjoining properties.
- ((j)) Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plan.
- ((k)) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.
- ((l)) Exact location of existing buildings and parking areas within the Minor Site Plan and approximate location of buildings and parking areas adjacent to or across the street from the proposed development.
- ((m)) Archeological, natural and historical features and landmarks. The Minor Site Plan shall be revised to delineate such as discovered during the review process.

(4) Graphic Requirements.

- ((a)) All sheets shall be clearly and legibly drawn at a scale no more than 30 feet to the inch, with north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly marked Minor Site Plan.
- ((b)) Location, right-of-way width and typical pavement section of all proposed entrances, parking lots, spaces, aisles, sidewalks, and trails.
- ((c)) The yard requirements and the dimensioned building footprint, dimensioned layout of all site improvements with all dimensions tied to the boundary survey at all lot boundaries.
- ((d)) A soil overlay map at a scale of not less than one inch equals 200 feet with an accompanying narrative. (is this an existing condition).

- ((e)) Drainage improvements proposed in the Town's Stormwater Management Master Plan within the development or within 100 feet of the development. Including layout of all provisions for collecting and discharging surface drainage.
 - ((f)) Location and size of existing and proposed public open spaces within and adjacent to the development.
 - ((g)) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication including temporary dedication for cul-de-sacs.
 - ((h)) If the Leesburg Zoning Ordinance requires the provision of a buffer yard, the plan shall indicate the type and location of the buffer yards proposed.
 - ((i)) All proposed connections to existing water lines, sanitary sewer lines and storm drainage structures.
 - ((j)) If modifications to the Town and/or FEMA 100-year floodplain are proposed, the Minor Site Plan shall indicate the existing and proposed limits of such floodplain.
 - ((k)) Identification of tree protection and tree preservation areas within the subdivision with specific identification of any heritage, specimen or memorial trees, including methods for preservation.
 - ((l)) Design of facilities proposed within common open space areas, including the number of parking spaces proposed, if any.
 - ((m)) Location of proposed fire hydrants and/or distance to nearest existing hydrant.
 - ((n)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Design and Construction Standards Manual, if applicable.
 - ((o)) Proposed topography with maximum of two-foot contours.
- (5) Other information.
- ((a)) Use Town of Leesburg standard cover sheet, latest edition.
 - ((b)) A deed of dedication with plat and/or deed of easement with plat for all rights-of-way, easements, or other properties which will be conveyed to the Town of Leesburg as a result of the development, in a form approved by the Town Attorney.
 - ((c)) The applicant shall submit a complete Type I soils report. A detailed Type II geotechnical investigation may be submitted in lieu of the Type I soils report.
 - ((d)) Outline of proposed deed covenants, which may affect the type or location of structures, use of properties, or access to public rights-of-way (if applicable).

- ((f)) The application shall be required to include information related to the projected traffic generated by the property. In certain situations, the applicant shall address the need for turn lanes and similar improvements if necessary .
- ((g)) The applicant shall provide a digital image file of all approved and as-built plans in a format that is acceptable to the Town.

Division 4 | Minimum Design Standards

Sec. 13-72 Conformance to Plans and Standards Required

Subdivision plats, development plans and construction plans shall conform to required specifications as contained within this Article, the Leesburg Zoning Ordinance and the Leesburg Design and Construction Standards Manual, latest edition.

Sec. 13-73 Streets

- (a) Proposed streets shall be coordinated so as to provide adequate circulation. Street patterns shall discourage through-traffic in the interior of a residential subdivision. Where a street connection is necessary for the appropriate development of adjoining land, the arrangement or extension of streets shall include the extension of the subdivision street to the edge of the subdivision. The street layout shall provide access to all lots and parcels of land within the subdivision. The distance between the centerline of offset street intersections shall not be less than 125 feet. Streets shall be laid out so as to intersect as nearly at right angles as possible. T-intersections shall be used wherever possible; four-legged intersections should be used only if streets are non-continuous; multilegged or “Y” intersections at acute angles and intersections with obstructions should be avoided.
- (b) Streets shall be arranged such that adjacent building sites are at, or above, the grades of the streets, where possible, and shall provide for positive drainage. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Grades shall not be less than one-half of one percent, nor more than ten percent unless approved by the Commission.
- (c) Where the subdivision or development borders an existing street and additional land is required for realignment or widening of such street, to the width prescribed by the thoroughfare plan, such additional right-of-way shall be dedicated on such plat.
- (d) Streets shall be graded and improved with pavement, street signs, sidewalks, driveway approaches, curbs, gutters, landscaping, water mains, sanitary sewers, fire hydrants and appurtenances, street lights and other public improvements required by this Article.
- (e) If placed in the street right-of-way, underground utilities shall be required to be placed between the paved roadway and right-of-way line, where possible, to simplify location and repair of the lines. The applicant ~~subdivider~~ shall install underground service connections to the property line of each lot before the street is paved. Walks in pedestrian easements shall be improved according to specifications and as shown on the plan. Other easements and rights-of-way shall be cleared, graded and shall have grass cover provided.
- (f) All streets shall be named and names shall be approved by the Commission. Names shall be sufficiently different in sound and in spelling from other street names in the Town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.
- (g) Wherever there exists a public street within or adjacent to the proposed subdivision or development, the street shall be dedicated within the proposed subdivision or development to the

width prescribed in the Leesburg Design and Construction Standards Manual, latest edition, and the Leesburg Town Plan. Subdivisions and developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new subdivision or development.

- (h) Streets serving commercial development and accessory parking areas shall be planned to connect with major or minor arterials so as not to generate traffic on other streets. Through collector routes for industrial subdivisions and developments shall be planned to serve industrial areas exclusively and shall connect with either major or minor arterials so that no industrial traffic will be directed into any other streets. Public alleys shall not be allowed in residential areas, but may be included in commercial and industrial areas where needed for loading and unloading or access purposes; and where platted, shall be at least 20 feet in width.
- (i) Streets shall have at minimum the widths of right-of-way specified for the appropriate functional street classification in the Leesburg Design and Construction Standards Manual, latest edition.
- (j) No dead-end public streets over 600 feet long shall be established; provided however, special approval for cul-de-sacs in excess of 600 feet may be granted by the Commission, up to a maximum of 1200 feet if all of the following conditions are met:
 - (1) There is a utility easement from the cul-de-sac to another street to provide a looped water system in accordance with the Leesburg Design and Construction Standards Manual, latest edition or where the system is otherwise looped; and
 - (2) There are fire hydrants installed along the street and at the end of the turnaround; and
 - (3) The total projected traffic on the cul-de-sac will not exceed 500 vehicles per day; and
 - (4) The establishment of a cul-de-sac will not conflict with any future road extensions identified in the Transportation Element of the Town Plan, and is not necessary to establish a loop or through road on the site; and
 - (5) The applicant ~~developer~~ installs signage identifying the street as a dead-end. Cul-de-sac street length shall be measured from the intersection with the nearest public through-street to the turnaround. All cul-de-sacs shall be provided with a turnaround at the end, having a radius at the property line in conformance with the Leesburg Design and Construction Standards manual, latest edition.
- (k) There shall be no private streets created in a subdivision or development which do not meet public street required specifications.
- (l) Whenever a proposed subdivision contains or is adjacent to a through collector route, vehicular access to lots within the subdivision shall be provided by a system of local collector routes and local streets without direct vehicular access from the lots to the through collector route. Variances of this requirement under Section 13-91 shall be made only after consideration of traffic safety requirements.

Sec. 13-74 Blocks

- (a) The arrangements of blocks shall ~~be such as to~~ conform to the street planning criteria set forth in Section 13-73.
- (b) Irregularly shaped blocks, such as those intended for cul-se-sacs and loop streets and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located, and ~~in~~ the maintenance of the interior public space is covered by agreements.
- (c) Blocks should not normally exceed 1,200 ft. unless unusual circumstances justify greater length. Within blocks of over 800 ft. in length, the Commission may require dedication to ten foot right-of-way, at or near the middle of the block, for a public pedestrian walkway connecting adjacent streets or other public or private areas.
- (d) Blocks should be of sufficient width to permit two tiers of lots ~~or appropriate depth~~, except where an interior street parallels a through collector or a major arterial.

Sec. 13-75 Lots

- (a) Lot dimension shall comply with the minimum requirements of zoning regulations for area and width. (Amended 6/25/96)
- (b) Side lot lines shall be generally at right angles or radial to street right-of-way lines unless a variation from this rule will give a better lot layout. Double frontage lots are permitted only in accordance with the Leesburg Design and Construction Standards Manual, latest edition.
- (c) Every residential lot shall abut a public street; except as provided below:

- (1) Dwellings abutting common driveways. Single-family detached dwelling lots may abut a common driveway provided that:

((a)) Approval Criteria.

The Planning Commission may approve applications for developments with common driveways provided that all standards in this section are satisfied and that the Commission determines that the development will provide a greater amount of usable open space area than if a public road section was utilized; and will guarantee the perpetual maintenance of the common driveway through appropriate legal instruments.

((b)) Minimum Lot Size.

Each single-family detached lot shall be at least 20,000 square feet in area.

((c)) Maximum Dwellings Served.

Each approved common driveway shall serve no more than ten single family lots unless approved by Town Council.

((d)) Construction Standards.

The design of all common driveways shall conform with the Leesburg Design and Construction Standards Manual, latest edition.

- (2) Dwellings Abutting Common Parking Courts. Single-family attached dwelling lots may abut but not extend into a common parking court provided that:

Amended (9/26/2000)

((a)) Approval Criteria.

The Planning Commission may approve applications for common parking courts provided that all standards in this section are satisfied and that the Commission determines that the development: will provide a greater amount of usable open space than if a public road section was utilized; will guarantee the perpetual maintenance of the common parking court through appropriate legal instruments; and will provide convenient and adequate parking for all residents and their guests.

((b)) Maximum Lot Size.

No single-family dwelling lot fronting on common parking court shall exceed a maximum of 8,000 square feet in area.

((c)) Minimum Acreage.

A minimum of four acres shall be required for all developments proposing the use of common parking courts.

((d)) Maximum Dwelling Served.

Each approved common parking court shall serve no more than a total of 36 single-family attached dwelling lots.

((e)) Construction Standards.

The design of all common parking courts shall conform with the Leesburg Design and Construction Standards Manual, latest edition.

- (d) Lots, to be known as pipestem lots, may be approved which do not meet yard and lot width requirements of the zoning regulations provided the proposed lots will preserve natural features which through standard lot layout would be lost ~~of~~ and the proposed lots will reduce vehicular access point to non-local streets. The stem of a pipestem lot is a narrow strip of land connecting the buildable portion of the lot with a street for the purpose of providing vehicular, pedestrian and utility access. Every pipestem lot shall comply with the following standards:

- (1) The minimum overall area for a subdivision containing pipestem lots shall be four acres.
- (2) No more than five pipestem lots shall abut.
- (3) The maximum distance between the abutting public or private street and the front building line on any pipestem lot shall be 250 lineal feet.
- (4) The stem of any pipestem lot shall be excluded from the computation of lot area in determining compliance with zoning regulations.

- (5) The front, side and rear building lines for all pipestem lots shall be shown on the final plat.
- (6) The minimum width of the stem of a pipestem lot separated from any other pipestem lot shall be 20 feet. The minimum combined ~~with~~ width of adjacent stems of pipestem lots, where a common driveway or accessway is to be provided, shall be 20 feet. The width of adjacent stems of pipestem lots where separate driveways or accessways are to be provided shall be 20 feet.
- (7) The stems of pipestem lots shall be maintained by and be the sole responsibility of the owners of the lots. At the time of recordation of a subdivision plat, the applicant ~~subdivider~~ shall simultaneously record deed restrictions or covenants in form and substance satisfactory to the Town Attorney which shall provide for the maintenance and use of the stems.
- (8) No more than two pipestem lots shall be served by a stem.
- (9) Houses on pipestem lots should be sited and oriented so that the house front does not face squarely into a neighboring rear yard. The proposed orientation of houses on pipestem lots and on all lots abutting the stem shall be shown on the preliminary subdivision plat and approved by the Planning Commission.
- (10) The following design guidelines shall apply to lots adjoining the stem of pipestem lots:
 - ((a)) Required yards abutting the stem shall have a minimum depth of 20 feet.
 - ((b)) Driveways should be accessed from the common pipestem driveway wherever feasible to reduce the number of curb cuts along the public street.

Sec. 13-76 Easements

- (a) Easements shall be provided where necessary for sanitary sewer, water mains, gas mains, electric lines, telephone lines, cable television lines and other necessary services. The location of existing easements of record and easements created in conjunction with plat approval shall be indicated on final subdivision plats, as provided in Section 13-62. Construction drawings for subdivisions ~~or development~~ and final site plans shall show existing easements of record and easements being created, and shall also indicate the proposed location of electric, gas, telephone and cable television easements in order to avoid conflicts with Town utilities, Town right-of-way, or the placement of street trees.
- (b) When any stream or substantial surface drainage course is located in the area being subdivided or developed, provisions shall be made for an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the ~~streets~~ stream or drainage course for drainage purposes. Such easements shall ~~not be considered part of~~ be in addition to the required street stream width.

Division 5 | Required Installation of Public Improvements

Sec. 13-77 General

- (a) Required specifications for design and construction of public improvements shall be included in the Leesburg Design and Construction Standards Manual, latest edition and shall be available for reference in the office of the Land Development Official.
- (b) Installation of public improvements required by this division shall be carried out under Town inspection. The applicant ~~subdivider or developer~~ shall submit necessary construction details, shop drawings, and cut and fill construction sheets for approval to the Director of Engineering and Public Works and secure all required permits in advance of construction. Inspection costs shall be paid by the applicant ~~subdivider or developer~~ as provided in Section 13-54. The installation of public improvements may not proceed until the Director of Engineering and Public Works has been notified of the applicant's ~~subdivider's or developer's~~ intention to proceed. The applicant ~~subdivider or developer~~, however, shall notify the Director of Engineering and Public Works at least 24 hours in advance of carrying out the required public improvement. Failure of the applicant ~~subdivider or developer~~ to do so may be interpreted by the Town as a lack of readiness on the part of the applicant ~~subdivider or developer~~. The applicant ~~subdivider~~ shall notify the Director of Engineering and Public Works of the time and date he will be available for inspection, and failure to keep such an appointment or failure to have work for which inspection was requested completed, shall make the applicant ~~subdivider~~ liable for a reinspection fee. The applicant ~~subdivider~~ shall be notified in writing by the Director of Engineering and Public Works or his agent no later than 72 hours after each inspection of the results of that inspection; however, such notice does not constitute final approval for acceptance of public improvements.

Sec. 13-77.1 Floodplain Utility Installations – General Policies

- (a) All utilities such as gas lines, electrical, telephone and cable TV systems being placed in flood-prone areas should be installed to minimize the chance of impairment of both facilities and the flood zone during a flooding occurrence.
- (b) All water and sewer facilities (public and private) are to be designed and constructed to prevent infiltration of floodwaters and exfiltration of potable water and sewage.
- (c) All storm drainage facilities shall be designed to convey the flow of surface waters without damage to person or property. The system shall provide drainage away from buildings and on-site waste disposal sites. The Town may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (d) Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage structures shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Sec. 13-78 Streets, Street Curb, and Gutter

- (a) Streets shall be built for the full width as prescribed by the required specifications, including the standards of the Leesburg Design and Construction Standards Manual, latest edition. Curb and gutter is required along all public streets. Street name signs shall be provided at all street intersections. When a subdivision abuts one side of any public street the applicant ~~subdivider or developer~~ shall be required to construct street improvements, storm drainage facilities, pavement, curb and gutter, and sidewalk on the applicant's ~~subdivider's or developer's~~ portion of existing streets.
- (b) Streets and street curb and gutter shall be completed in accordance with the plans and profiles prepared for the subdivision or development by a registered professional engineer or a licensed 3(b) land surveyor and approved by the Director of Engineering and Public Works as meeting the required specifications for streets and street curb and gutter.

Sec. 13-79 Sidewalk

- (a) Sidewalks shall be required in accordance with the Leesburg Design and Construction Standards Manual, latest edition.
- (b) Sidewalks shall be completed in accordance with the plans and profiles prepared for the subdivision or development by a registered professional engineer or a licensed 3(b) land surveyor and approved by the Director of Engineering and Public Works as meeting the required specifications for sidewalks.

Sec. 13-80 Water Supply

- (a) The applicant ~~subdivider or developer~~ shall install a water system for the subdivision or development in conformance with the Leesburg Design and Construction Standards Manual, latest edition. A complete water main system shall be connected to a water supply, which is approved by the Director of Engineering and Public Works and as necessary by the Virginia Department of Health.
- (b) The water system and all service lines and appurtenances except the water meter shall be completed in accordance with the plans and profiles prepared for the subdivision or development by a registered professional engineer or licensed 3(b) land surveyor and approved by the Director of Engineering and Public Works as meeting the required specifications for water systems; provided, however, a licensed 3(b) land surveyor may not design pressure hydraulic systems.

Sec. 13-81 Sanitary Sewers

- (a) Sanitary sewers shall be installed to serve all lots, including lateral connections between the trunk sewer and property lines. All new buildings on lots within the Town shall be connected to the Town's sanitary sewer system.
- (b) Sanitary sewers shall be designed and completed in accordance with the Leesburg Design and Construction Standards Manual, latest edition and the plans and profiles prepared for the applicant ~~subdivider or developer~~ by a registered professional engineer or a licensed 3(b) land surveyor and approved by the Director of Engineering and Public Works as meeting the required

specifications for sanitary sewer improvements. However, a licensed 3(b) land surveyor may not design pressure hydraulic systems.

Sec. 13-82 Storm Drainage; Erosion and Sedimentation Control; Flood Zone Management and Control

- (a) Provision for disposition of storm, subsurface and surface water with on-site and off-site underground facilities to carry such waters to the nearest overland stream approved by the Director of Engineering and Public Works shall be made as follows:
 - (1) On-site and off-site improvements shall be made so that downstream properties are not harmed by pollution, flooding, erosion or sedimentation resulting from the subdivision or development.
 - (2) Culverts and bridges shall be required where overland streams intersect any street right-of-way.
 - (3) Existing watercourses entering the subdivision or development shall be received and discharged as nearly as possible in the manner as existed prior to the subdivision or development. Means for the retention of storm waters within subdivisions and developments and the controlled release of stormwaters there from shall be completed in instances where downstream floodwaters increased by the subdivision or development cannot be accommodated without damage to downstream properties.
 - (4) The design and construction of drainage facilities shall be such that all water courses traversing the subdivision or development and water emanating from outside or within the subdivision or development will be carried through and off the subdivision or development without creating an adverse drainage condition to roadway or residential sites within the tract and without injury to roadways, residential sites or other lands abutting or in the vicinity of the tract.
- (b) Provision for temporary and permanent control of erosion and sedimentation during all phases of clearing, grading and construction shall be made.
- (c) Buildings within subdivisions and developments shall not be located within flood zones except as provided for in the Zoning Regulations.
- (d) Storm drainage and erosion and sedimentation controls shall be completed in accordance with plans and profiles prepared for the applicant ~~subdivider or developer~~ by a registered professional engineer or a licensed 3(b) land surveyor and approved by the Director of Engineering and Public Works ~~an meeting the required specifications for storm drainage and for erosion and sedimentation control~~. However, a licensed 3(b) land surveyor may not design pressure hydraulic systems.

Sec. 13-83 Underground Systems Required

New electric, telephone, communication and cable television service utility facilities shall be installed in accordance with the provisions of Article III, Chapter 13 of the Town Code.

Sec. 13-84 Underground Systems Required

The improvements required by Section 13-80 through 13-82 inclusive shall be designed and completed in accordance with required specifications including the standards of the Leesburg Design and Construction Standards Manual, latest edition and to such sizes and capacities as prescribed by master plans for waterworks, sewer works and storm drainage. Whenever public improvements required herein are installed to such size which is required for the benefit of property owners in addition to the applicant subdivision or developer, the Town shall enter into agreements with the applicant subdivider or developer to require reimbursement of the extra costs thereof to the applicant subdivider or developer by the benefited property owners when such improvements are utilized by such property owners. Such agreements shall meet the requirements of the Leesburg Design and Construction Standards Manual, latest edition, in a form approved by the Town Attorney.

Sec. 13-85 Off-Site Improvements

(a) Pro Rata Share for Necessary Waterline, Sewerage and Drainage Facilities

An applicant subdivider or developer shall pay a pro rata share of the cost of providing reasonable and necessary waterline, sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him, but necessitated or required, at least in part, by the construction or improvement of this subdivision or development. Determination of the appropriate pro rata share shall be made in accordance with the Leesburg Design and Construction Standards manual, latest edition.

(b) Pro Rata Road Reimbursement Districts.

An applicant may be required to pay a proportionate, fair share of the cost of construction of certain reasonable and necessary public road improvements located outside the property limits of the land owned by him, which improvements have been constructed by an initial applicant and which serve an area having related traffic needs to which his subdivision or development will contribute. Such pro rata reimbursement payments shall be made as provided herein to an initial applicant by each subsequent applicant within an area having related traffic needs if such area has been designated by the Town Council as a Pro Rata Road Reimbursement District.

A. Applicability.

Pro rata road reimbursement payments imposed pursuant to Pro Rata Road Reimbursement Districts adopted in accordance with the provisions of this Article shall be required of every applicant within the boundaries of such Districts unless otherwise exempt under subsection B.

B. Exemptions.

(a) Pro rata road reimbursement payments shall not be assessed or imposed upon the following:

(1) Land subject to proffered conditions approved and accepted by the Town Council pursuant to Va. Code § 15.2-2303 which include proffered offsite road improvements.

(2) Land subject to an impact fee assessed or imposed pursuant to Va. Code § 15.2-2317, et seq. of Chapter 22, Title 15.2 of the *Code of Virginia* .

(3) Land for which final site plan approval, or final subdivision plat approval has been obtained prior to the effective date of adoption of a Pro Rata Road Reimbursement District which includes such land. In order to retain the exemption from having to pay the pro rata road reimbursement payment, the development approved on the final site plan must be constructed within the period of validity of such approval and the approved final subdivision plat either must have been validly recorded prior to the effective date of adoption of a District or must be recorded within 6 months of final subdivision plat approval.

(4) Land within an approved Pro Rata Road Reimbursement District which is owned at the time of District approval by the initial applicant therein who has constructed the public road improvements which form the basis for the pro rata road reimbursement payments, provided such land has been identified by Loudoun County Real Property Identification Map Number as part of the Town Council's action approving the District.

(5) Public uses as defined in the Zoning Ordinance.

(b) Land which is exempt from having to pay a pro rata road reimbursement payment as a result of the provisions of paragraph (a) above may be included within the boundaries of a Pro Rata Road Reimbursement District. If such land should subsequently lose its exemption, the pro rata road reimbursement payment required by the approved District shall be calculated in accordance with the provisions of subsection J(c) below.

C. Definitions.

For the purposes of this Section, the following words and phrases shall have the following meanings:

(a) *Initial applicant* shall mean the person or entity who has constructed public road improvements within an approved Pro Rata Road Reimbursement District and who is entitled to receive pro rata road reimbursement payments from certain subsequent applicants within the District. The initial applicant shall be the record title owner of the parcel designated at the time of adoption of a District pursuant to subsection H. There may be only one (1) initial applicant per District.

(b) *Applicant* shall mean the record title owner of property, the development of which is subject to the Zoning Ordinance, and the record title owner of property upon which a single-family detached dwelling is constructed on a lot within a recorded subdivision plat approved after the effective date of adoption of a Pro Rata Road Reimbursement District.

(c) *Petitioner* shall mean an applicant who has constructed public road improvements and who has submitted a petition requesting adoption of a Pro Rata Road Reimbursement District by the Town Council whereby he would be entitled to receive pro rata reimbursement payments from other applicants within the District.

(d) *Public road improvements* shall mean the construction of new or the widening of existing minor arterial streets and major arterial streets as such streets are defined in the Town Plan, including construction of related drainage improvements and utility relocations required as a result of such construction. The term "public road improvements" shall also include installation of traffic lights and highway signs required by the Virginia Department of Transportation (VDOT) or the Town. Such term shall not include the construction of improvements required under subdivisions or site plans which improvements are necessary to serve a particular development.

D. Initiation of Pro Rata Road Reimbursement Districts.

A Pro Rata Road Reimbursement District may be initiated pursuant to this Section either by motion of the Town Council or by the filing of a petition with the Director, Department of Engineering and Public Works and a copy with the Director, Department of Planning and Zoning by an applicant who has constructed substantial public road improvements under permits issued after January 1, 2006, which serve an area having related traffic needs. If initiated by motion of the Town Council, the initial applicant who would receive the pro rata road reimbursement payments should a district be adopted shall provide staff with the Submission Requirements contained in subsection F.

E. Identification of an area having related traffic needs.

The designation of an area having related traffic needs is the basis upon which the boundaries are established for an adopted Pro Rata Road Reimbursement District. Such designation is dependent upon many factors which may be unique to any given area of Leesburg. Adoption of boundaries of an area having related traffic needs necessarily involves judgment and discretion on the part of the Town Council. The following criteria may be considered in the designation of an area having related traffic needs:

(a) Town Plan land use and transportation recommendations for the area.

(b) Land to which the constructed public road improvements provide a primary source of access either directly or via a collector street or local street which intersects such public road improvements.

(c) Land in an area to which the constructed public road improvements provide improved access.

(d) The type of road and distance over which the public road improvements have been provided.

(e) The number and character of streets intersecting the public road improvements, the area to which such streets provide access, and the extent to which such area has alternative access via other public streets.

(f) In general, the boundaries of an area having related traffic needs should not cross Interstate or Primary highways, except in highly unusual circumstances.

(g) Such other criteria as may be considered by the Town Council.

F. Submission requirements.

Every petition requesting the establishment of a Pro Rata Road Reimbursement District shall include the following, which shall be subject to verification by staff:

(a) A map clearly delineating the boundaries of the proposed Pro Rata Road Reimbursement District drawn on a copy of the applicable section sheets of the current Leesburg Official Zoning Map.

(b) A statement of justification setting forth in detail the factors which form the basis for petitioner's contention that the mapped area constitutes an area having related traffic needs.

(c) A list, by Loudoun County Real Property Identification Map Numbers, of all parcels within the proposed District of which the petitioner is the record title owner.

(d) Copies of all approved Leesburg public improvement bonds and agreements executed by petitioner as Applicant, including related itemized Surety Value Estimates of quantity take-offs for each constructed public road improvement for which pro rata reimbursement is sought. If the cost of installed traffic signals or highway signs required by VDOT or the Town was not included in the amount of the public improvement bond, evidence of payment acceptable to staff which documents that petitioner paid for such improvements shall also be submitted.

(e) A copy of the relevant sheets of the subdivision plat, site plan or construction plan, as the case may be, approved in conjunction with the bonds and agreements submitted pursuant to subparagraph (d) above, upon which sheets is delineated the extent of the public road improvements for which reimbursement is sought.

(f) A pro rata road reimbursement analysis and resulting recommended pro rata reimbursement rate for each vehicle trip per day, which reimbursement rate will be multiplied by the number of vehicle trips per day generated by types of uses as set forth in the Institute of Transportation Engineers (ITE) *Trip Generation Manual* in order to calculate individual pro rata road reimbursement payments required pursuant to an adopted District. The analysis shall be prepared pursuant to subsection G and shall include the vehicle trip generation calculations performed in accordance with paragraph (d) therein.

(g) A statement by the petitioner which clearly delineates whether the petitioner wishes to have the pro rata road reimbursement payments directed to the owner of one (1) parcel within the proposed District for the entire duration of the District (Option #1), or, in the alternative, whether the petitioner wishes to have such payments directed to the petitioner or his designated agent at a specified address (Option #2).

If Option #1 is chosen by the petitioner, then the petitioner shall submit the following:

(1) The designation by Loudoun County Real Property Identification Map Number and by street address of one (1) parcel within the proposed District currently owned by petitioner, the record title owner of which, including petitioner's successors in title, shall be the person or entity entitled to receive pro rata road reimbursement payments at the time such payments are made. Only one (1) such parcel shall be so designated within a District.

If Option #2 is chosen by the petitioner then the petitioner shall submit the following:

(2) Petitioner's name and mailing address to which pro rata road reimbursement payments will be sent. As an alternative, petitioner may submit the name and mailing addresses of petitioner's agent for the purposes of receiving pro rata road reimbursement payments and signing notarized certifications pursuant to paragraph (b) of subsection J.

(h) Such additional information as may be requested by Town staff in order that staff may fully evaluate the petition.

G. Calculation of pro rata road reimbursement payments.

(a) The amount of required pro rata road reimbursement payments shall be based upon a pro rata reimbursement rate (dollar amount) established upon adoption of a Pro Rata Road Reimbursement District by the Town Council. Such rate shall represent the proportionate share of reimbursable costs as determined by the Council, attributable to each vehicle trip per day utilizing the road segments for which reimbursement is sought and approved.

(b) The following formula shall be used to determine the pro rata reimbursement rate per vehicle trip per day:

[Cost of public road improvements within proposed District constructed at petitioner's expense (exclusive of improvements required pursuant to the subdivision and site plan ordinances)] divided by [Total estimated number of vehicle trips per day (vpd) on the road segments for which reimbursement is sought) = \$ amount per vpd.

(c) Trip generation estimates for specific uses shall be based upon the Institute of Transportation Engineers (ITE) *Trip Generation Manual* .

(d) The total estimated number of vehicle trips per day on the road segments for which reimbursement is sought shall be determined by adding the following numbers:

(1) Current estimated number of vehicle trips per day on such road segments as shown on traffic counts conducted by VDOT or other entity acceptable to the Town within two (2) years prior to the filing of a petition to establish a Pro Rata Road Reimbursement District. If such traffic counts are not available, petitioner shall conduct a traffic count utilizing standard methodology acceptable to the Town.

(2) Number of future vehicle trips per day estimated to be generated from the eventual development or redevelopment, use and occupancy of all land within the proposed District which, as of the date of the traffic counts utilized in preceding

paragraph (d)(1), either is vacant; is underdeveloped with respect to its current zoning; is zoned to a district which allows a lesser density or intensity than the applicable Town Plan recommendation; or is under construction with a residential or nonresidential use permit yet to be issued.

(e) For purposes of calculating the vehicle trip generation figures required under this Section only, the following assumptions shall apply:

(1) Land subject to an approved proffered rezoning shall be developed to the maximum densities, intensities and uses approved.

(2) Land zoned to a district, not subject to proffers, which permits densities or intensities equal to or greater than as recommended in the Town Plan shall develop to the maximum extent permitted under the current zoning district.

(3) Land zoned to a district which permits densities or intensities less than the applicable Town Plan recommendation shall develop to the maximum extent recommended in the Plan.

(f) All land within the boundaries of a proposed Pro Rata Road Reimbursement District shall be included in the vehicle trip generation estimates, even though such land may be exempt under subsection B.

(g) Accessory structures in residential developments such as swimming pool bath houses and community centers shall not be included in the estimated number of vehicle trips per day calculated pursuant to paragraphs (d)(2) and (d)(3) above and shall not be subject to a pro rata road reimbursement payment.

(h) *Cost of Construction of Public Road Improvements.*

(1) The cost of construction of public road improvements for which pro rata reimbursement may be required shall mean the cost of construction of such improvements as such costs were represented by the petitioner to the Director of Engineering and Public Works at the time petitioner sought approval of the public improvement bonds and agreements required prior to the construction of such public road improvements. The sum total of such costs as reflected on the submitted Surety Value Estimates shall be increased by a factor of fifteen percent (15%) in order to cover related costs, including, but not limited to, a proportionate cost of engineering expenses. Costs of construction shall also include petitioner's cost of acquiring real property interests from others, which real property interests are necessary in order to construct the public road improvements and the dedication of which does not result in the grant of advanced density credit to the petitioner. The foregoing costs shall be adjusted annually from the date of approval of the public improvement bonds and agreements to incorporate the lesser of the following amounts:

(A) *Changes in the Virginia Highway Construction Bid Index* since the approval of such bonds and agreements; or

(B) *The legal rate of interest set forth in Code of Virginia, Section 6.1-330.53, as amended.*

(i) After the adoption of a Pro Rata Road Reimbursement District, including the establishment of a pro rata reimbursement rate (\$ amount per vpd, as calculated above) for the District, the amount of pro rata road reimbursement payments required of applicants subject to such payments shall be determined at the time of final subdivision plat approval for a residential subdivision or final site plan approval, as the case may be. The amount of required pro rata road reimbursement payments shall be shown on such final subdivision plat or final site plan and shall be calculated as follows:

(1) The Council-adopted pro rata reimbursement rate shall be adjusted annually from the effective date of the District to incorporate the lesser of the following amounts:

(A) Changes in the Virginia Highway Construction Bid Index since the effective date of the District; or

(B) The legal rate of interest set forth in Code of Virginia, Section 6.1-330.53, as amended.

(2) The required pro rata road reimbursement payments for all uses within the District shall be the sum of the adopted pro rata reimbursement rate, as adjusted above, multiplied by the number of vehicle trips per day estimated to be generated for each use based upon the ITE Trip Generation Manual, provided, however, that trip generation estimates which are lower than those set forth in the ITE Trip Generation Manual may be used if the Director of Engineering and Public Works concludes that such lower trip generation rates more accurately reflect the traffic expected to be generated by a particular use. Any such request shall be submitted by the owner of the property which is the subject of a proposed subdivision or site plan at the time the subdivision plat/site plan is filed with the Department of Engineering and Public Works, with the original of the request being submitted to the Director of the Department of Engineering and Public Works, and a copy being submitted to the Department of Planning and Zoning with the subdivision plat/site plan. Any such request shall also include evidence that such owner has provided the initial applicant with a copy of the request, and has informed the initial applicant that responses to the request must be filed with the Director of the Department of Engineering and Public Works and the Department of Planning and Zoning within thirty (30) days of the filing of the request.

H. Adoption of Pro Rata Road Reimbursement Districts.

(a) Upon receipt of a petition requesting the establishment of a Pro Rata Road Reimbursement District including all submission requirements, staff of the Department of Engineering and Public Works will evaluate the request, assisted by staff of the Department of Planning and Zoning and such other staff as may be necessary.

(b) Staff will prepare a recommendation for forwarding to the Planning Commission and Town Council.

(c) A public hearing on the requested Pro Rata Road Reimbursement District shall be held before the Planning Commission and before the Town Council. Such public hearings shall be advertised in accordance with the requirements of the Code of Virginia, Sections 15.2-107 and 2204. The Department of Planning and Zoning shall oversee advertising and notice requirements. Petitioner shall submit proof that he has sent by certified mail, return receipt requested, written notice of the public hearings to the owner of each parcel within the proposed District at the last known address of such owner as shown in the current real estate tax assessment records. Such notice shall include the maximum pro rata road reimbursement payment proposed for each dwelling unit within the proposed District and the maximum proposed pro rata reimbursement rate to be assessed for each vehicle trip per day estimated to be generated by all uses within the proposed District other than dwelling units. Such notice shall include the location where the petition may be reviewed in its entirety.

(d) In adopting a Pro Rata Reimbursement District, the Town Council may modify the district boundaries as requested by the petitioner to include a lesser land area and may adopt pro rata road reimbursement payments for dwelling units and a pro rata road reimbursement rate per vehicle trip per day for all other uses less than were advertised. The Town Council may also approve in whole or in part the extent of the public road improvements which the petitioner has asked to be the basis for the prorata road reimbursements.

(e) A Pro Rata Road Reimbursement District may be adopted after the public road improvements have been constructed to the point where they are being used by the public, but prior to the acceptance of such public road improvements by the governmental units which are to have ultimate responsibility for their maintenance, subject to the following conditions:

(1) The public road improvements for which pro rata reimbursement has been approved are accepted by the governmental units which are to have ultimate responsibility for their maintenance within one (1) year after the effective date of the District; and

(2) Required pro rata road reimbursement payments which have been deposited with the Town prior to acceptance of such public road improvements by the governmental units which are to have ultimate responsibility for their maintenance shall not be forwarded to the initial applicant until such acceptance may occur.

(f) Any Pro Rata Road Reimbursement District approved by the Town Council shall include the following:

(1) A map which clearly delineates the boundaries of the District, drawn on the current Loudoun County Real Property Identification Map.

(2) One of the following as chosen by the petitioner under the provisions of subsection F(g):

(A) The name and current mailing and street addresses of the initial applicant entitled to receive the pro rata road reimbursement payments, as well as the Loudoun County Real Property Identification Map Number and street address of the parcel, the record title owner of which will be entitled to receive pro rata road reimbursement payments at such time as they may be made; or

(B) The name and current mailing and street addresses of the initial applicant entitled to receive the pro rata road reimbursement payments, or, if the petitioner (initial applicant) has designated an agent for the purposes of receiving pro rata road reimbursement payments and signing notarized certifications pursuant to the paragraph (b) of subsection J, the name and mailing and street addresses of such agent.

(3) A listing, by Loudoun County Real Property Identification Map Number, of all properties within the District owned by the initial applicant.

(4) The amount of the pro rata road reimbursement payment required for each dwelling unit and the pro rata reimbursement rate (dollar amount per vpd) to be assessed for each vehicle trip per day estimated to be generated for all uses other than dwelling units.

(5) The total amount of reimbursable costs approved by the Town Council.

(6) The effective date of the District.

(g) All of the information required under preceding paragraph (f), including a map of the adopted Pro Rata Road Reimbursement District, shall be kept in a file located in the Department of Engineering and Public Works titled "Pro Rata Districts".

(h) Upon adoption of a Pro Rata Road Reimbursement District, the District shall remain valid for a period of twenty-five (25) years from the date of the District, or for such lesser period or longer period as the Town Council may initially or subsequently specify by ordinance, provided, however, that if the initial applicant should be reimbursed the total amount of reimbursable costs approved by the Town Council, as adjusted to incorporate the lesser of either changes in the *Virginia Highway Construction Bid Index* since the effective date of the District or the legal rate of interest set forth in *Code of Virginia*, Section 6.1-330.53, as amended prior to the expiration of the period of District validity, no further pro rata road reimbursement payments shall be required within the District.

(i) Boundaries of adopted Pro Rata Road Reimbursement Districts may not overlap.

I. Amendment of Adopted Pro Rata Road Reimbursement Districts.

Amendments to an adopted Pro Rata Road Reimbursement District, other than amendments which would modify the duration of the period of validity of the District, may be processed and adopted in the same manner that the District was originally established. Amendments which propose to modify the duration of the period of validity of an adopted District may be approved following notice and public hearings provided in accordance with subsection H(c); provided, however, that such notice need not include information about adopted pro rata road reimbursement payments or rates. A statement of justification which sets forth the grounds for modification of the duration of the District shall be submitted with any such amendment request.

J. Payment of pro rata road reimbursements.

(a) Required pro rata road reimbursement payments shall be made prior to the issuance of any residential or nonresidential zoning permit required pursuant to the Zoning Ordinance.

(b) In the event parcels within an adopted Pro Rata Road Reimbursement District should resubdivide, redevelop or be occupied by uses for which the estimated vehicle trip generation rates are greater than the rates attributable to such parcels at the time required pro rata reimbursement payments were previously paid, then an additional pro rata reimbursement payment shall be required which shall be calculated based upon the difference between the estimated number of vehicle trips.

(c) In the event parcels within an adopted Pro Rata Road Reimbursement District which were exempt from pro rata reimbursement payments pursuant to the provisions of subsection B should resubdivide, redevelop or be occupied by uses in such a manner so as to no longer be entitled to any exemption, and in the event the new use of such parcels has a higher estimated vehicle trip generation rate than the previously exempt use, then pro rata reimbursement payments for such parcels shall be calculated based on the difference between the estimated vehicle trip generation rate for the new use and the estimated vehicle trip generation rate for the previously exempt use.

(d) Anyone who has applied for a residential or nonresidential use permit and who is required to make a pro rata road reimbursement payment shall submit a notarized certification signed by the initial applicant or his agent identifying the property and use for which the residential or nonresidential use permit has been requested and that the required pro rata reimbursement payment has been received, or shall submit such other evidence of payment as may be required by the Director of Engineering and Public Works.

(e) As an alternative to providing the notarized certification or other evidence of payment as may be required as referenced in the preceding subparagraph, an applicant for a residential or non-residential use permit may deposit the required pro rata road reimbursement payment by certified or other secured funds determined to be acceptable by the Director of Finance. In such event, the Town shall forward payment to the initial applicant and shall not be required to place such reimbursement payments in an interest bearing account during the interim.

(f) As an alternative to the procedures set forth in preceding paragraphs (b) and (c), an applicant for a residential or nonresidential use permit may submit a notarized, fully executed agreement between him and the initial applicant setting forth an agreed method of payment of the required pro rata reimbursement payments which agreement shall also state that the Town may proceed to issue the requested residential or nonresidential use permits.

(g) In order to be entitled to continue to receive pro rata road reimbursement payments, the initial applicant must give written notice by certified mail to the Directors of the Department of Engineering and Public Works and the Department of Planning and Zoning of any change in his mailing or street addresses from the date of adoption of the District. If the initial applicant has designated an agent for the purposes of receiving pro rata road reimbursement payments and signing notarized certifications pursuant to paragraph (b) above, then either the agent or the initial applicant must give such written notice of any change in the mailing or street addresses of the agent from the date of adoption of the District. Failure to give the written notice as required herein within thirty (30) days of such change may cause the initial applicant to forfeit pro rata road reimbursement payments collected or due after such change.

(c) Voluntary Funding of Off-Site Road Improvements.

If an applicant makes an advance of payments for or construction of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by him or her, the need for which is substantially generated and reasonably required by the construction or improvement of the subdivision or development, and such advance is accepted by the Town Council, the Town Council may agree to reimburse the applicant from such funds as the Town Council may make available for such purpose from time to time for the cost of such advance together with interest, which shall be excludable from gross income for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently issued by the Town Council on the following terms and conditions:

(1) The Town Council shall determine or confirm that the road improvements were substantially generated and reasonably required by the construction or improvement of the subdivision or development and shall determine or confirm the cost thereof, on the basis of a study or studies conducted by qualified traffic engineers and approved and accepted by the applicant.

(2) The Town Council shall prepare, or cause to be prepared, a report accepted and approved by the applicant, indicating the governmental services required to be furnished to the subdivision or development and an estimate of the annual cost thereof for the period during which the reimbursement is to be made to the applicant.

(3) The Town Council may make annual reimbursements to the applicant from funds made available for such purpose from time to time, including, but not limited to, real estate taxes assessed and collected against the land and improvements on the property included in the subdivision or developments in amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable and necessary governmental services to such subdivision or development.

Sec. 13-86 Landscaping and Tree Cover

- (a) Existing tree cover within the area depicted on the proposed plat shall be retained to the greatest extent possible and taken fully into account in the design of the subdivision lots, street layout and developments. Plans shall indicate how existing trees are to be protected and how soil aeration, drainage and moisture are to be preserved.
- (b) Street trees and other plant materials may be planted within public ways and places in accordance with plans approved by the Land Development Official to meet required specifications for landscaping in the Leesburg Design and Construction Standards manual, latest edition and the Leesburg Zoning Ordinance. Required specifications for landscaping, street trees and street tree plantings shall designate the number, location, size, variety and condition of trees and other plant materials to be planted and planting methods. The specifications shall take into account the relative hardness, shape, root growth pattern, beauty and undesirable features of plant materials and shall provide restrictions on plantings in locations likely to damage underground or aerial utility facilities; restrict motorists or pedestrians sight distances; conflict with driveways, sidewalks, bikeways or streets; or damage street, sidewalk, storm sewer, sanitary sewers, curb and gutter or other public facility structures.
- (c) All cut and fill slopes shall be landscaped, either seeded and stabilized, or sodded with grass or plants suitable for such slopes as provided in the Leesburg Design and Construction Standards Manual, latest edition.

Sec. 13-87 Monuments

- (a) As a requisite for completion of the work product, each land boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the land boundary with the exceptions of meanders, such as meanders of streams, lakes, swamps and prescriptive road right-of-way; and each such monument, other than a natural monument, shall, when feasible, be identified by a temporary witness stake (which may be wooden). Where it is not feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location shall be shown on the plat of the land boundary. Permanent monuments shall be placed in all subdivisions in accordance with the requirements of the Leesburg Design and Construction Standards Manual, latest edition.

Sec. 13-88 Street Lights

- (a) Street lights shall be installed to light streets and other public ways.
- (b) Street lights shall be completed in accordance with plans prepared for the applicant ~~subdivider or developer~~ and approved by the Director of Engineering and Public Works and meeting the standards for street lighting contained within the Leesburg Design and Construction Standards Manual, latest edition and the Leesburg Zoning Ordinance.

Division 6 | Administration and Enforcement

Sec. 13-89 Land Development Official

- (a) The Land Development Official shall make and enforce reasonable rules and regulations necessary and appropriate for the administration of this Article and file such rules and regulations with the Clerk of Council.
- (b) The Land Development Official shall have the responsibility of acting on behalf of the Commission in making determinations that a particular applicant ~~subdivider or developer~~ has or has not complied with the requirements of this Article and shall perform the following functions:
 - (1) Establish that all the requirements of this Article ~~Divisions 2, 3, 4, 5, and 6~~ have been fully met by the applicant ~~subdivider or developer~~.
 - (2) Make certain inspection of improvements with proposed subdivisions and developments maintaining a vigil on the quality of the improvements and the adherence of the applicant's ~~subdivider or developer's~~ work to the timetables specified in this Article.
 - (3) Distribute copies of ~~the preliminary~~ all plans and plats to appropriate officials and agencies for their study and review comments.
 - (4) Determine instances of non-compliance with this Article on the basis of an interpretation of this Article and review comments of officials and agencies to whom review copies of the ~~preliminary~~ plan and plat were sent.
 - (5) Make recommendations in writing for action to the Commission on all preliminary subdivision plats, certifying those which are in full compliance with the provisions of this Article. (Amended 8/10/04)
 - (6) Review final subdivision plats and ~~development~~ site plans, check that the final plat is in accordance with the preliminary plat, ~~check that the final plan is in accordance with the preliminary plan~~, check that the final site plan is in accordance with this Article and such standards for design and construction as Council may adopt, determine that the requirements of this Article ~~Division 2, 3, 4, 5, and 6~~ have been met, and either approve, ~~conditionally approve~~ or disapprove the final plat or plan. (Amended 4/9/96)
 - (7) Issue orders for compliance to applicants ~~subdividers and developers~~ including orders to discontinue work in instances of non-compliance with this Article ~~and recommend to the Manager the initiation of legal proceedings as necessary to secure compliance with the Article.~~

Sec. 13-90 Commission

The Commission shall:

- (a) Review the preliminary plat submitted by an applicant ~~subdivider or developer~~ and either approve, ~~conditionally approve~~ or disapprove the preliminary plat ~~or plan~~. (Amended 8/10/04)

- (b) Evaluate the recommendation of the Land Development Official relative to subdivision applications. (Amended 8/10/04)
- (c) Make recommendations to the Council concerning the need for, and type of, amendments to this Article.

Sec. 13-91 Variation

- (a) Upon application by an applicant ~~subdivider or developer~~, the Commission may authorize a variation in the substantive regulations contained in Division 4 and 5 of this Article when it finds that a variation is warranted due to an unusual situation or when strict adherence to the general regulations would result in substantial injustice or hardship.
- (b) In making application for a variation, the applicant must demonstrate in writing that:
 - (1) The requested variation is in keeping with the purpose and intent of the Subdivision and Land Development Regulations;
 - (2) The granting of said variation would not be of substantial detriment to adjacent property;
 - (3) The granting of said variation would not be contrary to the public health, safety and general welfare;
 - (4) The situation is not of a general or recurring nature for similarly situated properties within the Town.
- (c) In deciding an application for variation, the Planning Commission shall be guided by its findings with regard to the preceding test, together with the following items and any other such pertinent information as is necessary for the Commission to make its findings:
 - (1) The construction drawing reflecting the requested variation is approved by the Director of Engineering and Public Works;
 - (2) Any variation in street requirements is reasonable in relation to ultimate projected traffic generation and will not result in street sections that do not satisfy minimum Virginia Department of Transportation standards;
 - (3) Any variation in sidewalk standards is compensated through an adequate alternative provision for pedestrian traffic.
- (d) No variation granted pursuant to this section shall relieve the obligation of the applicant ~~subdivider or developer~~ to comply with any other applicable local or state regulations.
- (e) In authorizing a variation the Commission may impose such conditions regarding location, character and other features of the proposed subdivision or development as it may deem necessary in the public interest, and may require a guarantee or bond to insure compliance with the conditions imposed.
- (f) Applications for variation may be made by any applicant ~~subdivider or developer~~. Once the application has been determined to be complete by the Land Development Official, the application and accompanying maps, plans or other information shall be transmitted promptly to the Commission for consideration and action. The Land Development Official shall also transmit a copy of the application to the Town Council.

- (g) Upon the initial public meeting to consider a variation application, the Planning Commission shall determine whether the potential public impacts of the request warrant a public hearing. If it is determined that a public hearing is warranted, such hearing shall be scheduled within thirty days of said determination. Notice of public hearing shall satisfy all Code of Virginia requirements for such hearings. The Planning Commission shall take action to approve, ~~approve with conditions~~, or deny the application within thirty days of the initial public meeting if no public hearing is held or within sixty days of the initial public meeting if a public hearing is held.

Sec. 13-92 Bonding of Required Improvements

- (a) The purpose of the bonding process is to obtain guarantees acceptable to the Town insuring the timely and proper installation of required development and subdivision improvements. Bonds shall be posted to guarantee the installation of improvements for all developments described below:
- (1) All improvements described in Section 15.2-2241 of the Code of Virginia, as amended, that will be accepted for public use and public maintenance by the Town of Leesburg.
 - (2) All other improvements required by the Zoning Ordinance and Subdivision and Land Development Regulations and also as specified in Section 15.2-2241.5 of the Code of Virginia, as amended and as determined by the Land Development Official.
 - (3) For improvements proffered as part of any zoning map amendment application and required by the Zoning Administrator in accordance with Section 15.2-2299 of the Code of Virginia, as amended.
 - (4) Improvements offered as part of any variance or special exception application or required by the Board of Zoning Appeals in accordance with Section 15.2-2309.2.c and 15.2-2309.6 of the Code of Virginia, as amended.
- (b) All improvements proffered during the rezoning process shall be bonded at the time the first ~~development~~ site plan or subdivision plat is approved.
- (c) These bonding procedures shall not apply to the following developments:
- (1) Development that only require the installation of entrances to public streets. All such improvements shall be guaranteed through the issuance of a right-of-way permit.
- (d) For any development or subdivision with more than \$200,000 in public improvements, ~~the~~ the Town Council shall have the authority to:
- (1) Review and approve, disapprove and modify performance agreements.
 - (2) Grant or deny an applicant's request for more time than the initial two year period to complete the construction of public improvements associated with a site plan or subdivision application.
 - (~~2~~3) Accept public improvements which have been installed in accordance with final plans, subject to the requirements of Section 13-97 of this Article.

- (34) Release subdividers and developers from obligations of performance agreements for installation of public improvements and release performance bonds posted to guarantee such contracts as described in Section 13-97 of this Article.
- (e) For any development or subdivision with less than \$200,000 in public improvements, ~~The Town Manager shall have the authority to: approve any performance agreement for any development or subdivision with less than \$10,000 in public improvements.~~
 - (1) Review and approve, disapprove and modify performance agreements.
 - (2) Grant or deny an applicant's request for more time than the initial two year period to complete the construction of public improvements associated with a site plan or subdivision application.
 - (3) Accept public improvements which have been installed in accordance with final plans, subject to the requirements of Section 13-97 of this Division.
 - (4) Release applicants from obligations of performance agreements for installation of public improvements and release performance bonds posted to guarantee such contracts as described in Section 13-97 of this Division.

Sec. 13-93 Procedure for Establishing a Bond Agreement

- (a) To establish a bond agreement with the Town of Leesburg the following forms shall be executed:
 - (1) Performance Agreement
 - (2) Estimate of improvements
 - (3) Bond guarantee, as described in Section 13-94
 - (4) Water Extension Permit, if applicable
 - (5) Sanitary Sewer Extension Permit, if applicable

The bond agreement forms must be filed with the ~~Land Development Official~~ Director of Engineering and Public Works ~~at least ten days prior to the Council meeting at which first consideration is desired. The Director of Engineering shall provide the Town Council with an estimated cost of the bonded improvements.~~ The Town Attorney shall review the bond agreement document and provide the ~~Town Council~~ Director of Engineering and Public Works with a recommendation.

- (b) Any improvement in a proposed subdivision or development may be bonded in sections provided that these sections are indicated on the approved subdivision or development plans and the Director of Engineering and Public Works has found that provisions have been made to insure that these improvements can be enjoyed without undue risk to public safety. Improvements such as temporary cul-de-sacs and traffic barricades will be included in the estimate of improvements. Where possible, sections shall begin and terminate at street intersections or other logical points.

Sec. 13-94 Bond Guarantee

- (a) The purpose of the bond guarantee is to provide the Town with a source of funds to complete the required improvement if the applicant ~~developer~~ is in default of the performance agreement as described in Section 13-96~~7~~.

- (b) The following bond guarantees are acceptable provided they are consistent with the regulations below:
- (1) Cash escrow may be posted to guarantee any performance agreement. The funds on deposit shall bear an interest rate of seven percent per annum. Interest will be available to the Town in the case of default or breach of the performance agreement. If the improvements are successfully completed this interest shall be refunded to the applicant developer.
 - (2) Irrevocable letters of credit from financial institutions are acceptable provided they are approved by the Town Attorney and the following conditions are met:
 - ((a)) All letters of credit shall conform to the letter of credit form provided by the Town or shall be approved by the Town Attorney.
 - ((b)) Letters of credit shall extend at least three months beyond the expiration date of the performance agreement.
 - ((c)) The financial institution must notify the ~~Land Development Official~~ Director of Engineering and Public Works in writing at least one month in advance of any cancellation including normal expiration of term. Failure to do so will automatically extend the letter of credit for an additional three months.
 - ((d)) The financial institution issuing the letter of credit shall be insured by the Federal Depository Insurance Corporation or the Federal Savings and Loan Insurance Corporation and be chartered in the State of Virginia or shall have a designated agent in Virginia.
 - (3) Corporate surety bonds are an acceptable method of guaranteeing performance agreements provided the following conditions are met:
 - ((a)) All corporate surety bonds shall conform to the form provided by the Town or shall be approved by the Town Attorney.
 - ((b)) Bonds shall be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia.
 - ((c)) The surety shall hold a certificate of authority to act as surety from the Federal Government of Federal projects or have a rating of XV or better as evaluated by Best's Key Rating. These lists will be maintained by the Director of Finance.

Sec. 13-95 Extensions and Reduction of Performance Bonds

- (a) Performance agreements may be extended for one year periods or less. Any request for extension shall be accompanied by an estimate of the remaining work and a timetable for the completion of the improvements. Upon recommendation of the ~~Land Development Official~~ Director of Engineering and Public Works, Council shall act within 30 days of any written request to extend a performance agreement. In considering an extension of a performance agreement, the Council should consider the following factors:
- (1) Current rating of corporate surety and status of the financial institution.
 - (2) Progress in completing the development plan or subdivision.
 - (3) Complaints received about nuisances resulting from development of the property.

- (4) Cost estimate of completing the site plan or subdivision.
- (b) The amount of bonded improvements may be reduced by action of the Town Council. Upon recommendation of the ~~Land Development Official~~ Director of Engineering and Public Works, the Council shall act within 30 days of the receipt of any written request for a bond reduction. If any deficiencies in completed improvements remain, the ~~Land Development Official~~ Director of Engineering and Public Works shall transmit a list of the deficiencies to the applicant within 30 days of the reduction request. Council shall act or respond within thirty days of any request for an extension or reduction of a performance bond.

Sec. 13-96 Establishment of a Maintenance Agreement

A maintenance agreement shall be executed for the repair or replacement of defective materials and workmanship within the required public improvements for a period of time extending for one year from the actual date of ~~Council~~ Town Manager acceptance of such improvements. The maintenance bond shall equal five percent of the total cost of the bonded improvements in the subdivision or development.

Sec. 13-97 Acceptance of Improvements and Release of Performance Agreement

- (a) Within their authority as described in section 13-92, ~~The Town Council or Town Manager~~ shall accept public improvements installed by an applicant ~~subdivider or developer~~ which meet the following conditions:
 - (1) The completed improvements comply with the design standards of Division 4.
 - (2) Public improvements have been completed in accordance with the requirements of Division 5.
 - (3) Installation of public improvements has been completed in accordance with approved plans.
 - (4) All final inspections required by this Article have been completed by the Town and the bonded improvements were found to be acceptable by the Director of Engineering and Public Works.
 - (5) The applicant ~~subdivider or developer~~ shall have prepared and submitted one reproducible set and two sets of prints of plans that accurately depict the bonded improvements for which the Town is to be responsible for operation and maintenance.
 - (6) The applicant ~~subdivider or developer~~, by appropriate instrument in a form approved by the Town Attorney, has conveyed to the town good title free of all liens to all public improvements for which the town is to be responsible for operation and maintenance.

- (b) Within their authority as described in section 13-92, The Town Council or Town Manager shall release applicants developers from performance agreements when the subdivisions are vacated pursuant to Section 15.2 2271 or 15.2 2272 of the Code of Virginia, as amended. 13-61.1.

Sec. 13-98 Required Approvals of Final Site Plan and Final Plat

The following approvals shall accompany or be shown on a final site plan or final plat and shall be necessary for its approval:

- (a) Certification by a registered surveyor that the final plat is correct.
- (b) Certification by a registered engineer, or a licensed 3(b) land surveyor that the final site plan has been prepared in accordance with requirements of this Article.
- (c) Land Development Official and Zoning Administrator approval of the final site plan and final plat.
- (d) ~~Town Attorney approval of the final plat.~~ Director of Engineering and Public Works approval of the construction drawings associated with the final site plan and final plat.
- (e) Agreement of public improvements authorized by Council and one of the requirements of Section 13-~~60(b)(4)58(d)~~ and Section 13-668(d) completed.

Sec. 13-98.1 Prior Approvals

~~The requirements of this article shall apply to any subdivision or development which has not received approval of the preliminary plat and the plans and specifications for public improvements required by the Subdivision Ordinance of Leesburg, Virginia, adopted August 15, 1955, as severally amended, or Chapter 9 A of the Zoning Ordinance, Town of Leesburg, effective March 9, 1959, as severally amended. Subdivision and developments which have received approval of the preliminary plat and plans and specifications for public improvements pursuant to these ordinances shall be governed thereby so the approval remains valid under the terms of the ordinances.~~

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Division 7 | Glossary

Sec. 13-99 Definitions and Rules of Construction

- (a) This Article shall be read in conjunction with the zoning regulations.
- (b) References to the Council officers, agencies, boards or commissions shall be the Council officers, agencies, boards, commissions of the Town unless the context requires otherwise.
- (c) As used in this Article, the following terms or words shall have the meaning given below:

Base Flood shall mean the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Block shall mean ~~an area of land surrounded by public streets, railroad rights of ways, waterways or other barriers~~ a parcel of land or group of lots completely surrounded by streets, or a parcel of land or group of lots having frontage along one side of a dedicated public street either in excess of 750 feet and consisting of five acres, or between two dedicated intersecting public streets, or between one dedicated intersecting public street and the corporate limits of the town.

CLOMR Conditional Letter of Map Revision: A Document issued by FEMA allowing an applicant to make a modification to the boundaries of the existing FEMA mapped Floodplain.

Concept Plan ~~shall mean a sketch which is prepared showing in general outline the intent of the proposed subdivision or development.~~

Commission shall mean the Planning Commission.

DCSM shall mean the Leesburg Design and Construction Standards Manual, latest edition.

Density shall mean the number of dwelling units or non-residential building square footage per acre of land, as a unit of measure.

Developer ~~(see Subdivider).~~

Driveway, Common shall mean a private roadway providing vehicular access to lots.

Development ~~shall mean a tract of land developed or to be developed as a unite under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.~~

Dwelling, Single -Family Attached

shall mean one-family dwelling attached to two or more one-family dwellings by common vertical walls. This definition includes such dwelling types as townhouse, triplex, and quadraplex.

Dwelling, Single- Family Detached

shall mean a dwelling designed for one family which is not attached to any other dwelling by any means.

Dwelling, Two- Family

shall mean a one-family dwelling attached to one other one-family dwelling by a common wall.

FEMA Floodplain, 100-Year

The 100 year Flood Elevation as approved by FEMA as referenced on the FIRM and Flood Insurance Studies or as modified through an approved CLOMR/LOMR process.

Flood Insurance Rate Map (FIRM)

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study

The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

Flood Zone

~~shall mean land and water areas which are determined by engineering methods to have a one percent chance of flooding each year.~~

Floodplain

A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

Floodplain, Town – 100-Year

Any land area susceptible to being inundated by water from the base flood and having a drainage area greater then fifty (50) acres (or less if deemed appropriate by the Director of Engineering and Public Works).

<u>Floodplain Alteration, Town</u>	<u>A development action which will change the cross section of the floodplain and will increase the width of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.</u>
Heritage Tree	Any tree which has been individually designated by the Town to be a special commemorating memorial.
Land Development Official	shall mean the Town Manager or his designee. <u>An appointed Town official who serves as the Director of Planning, Zoning and Development, charged with the interpretation, administration, and enforcement of this Article for Leesburg, Virginia, or his/her designee.</u>
Licensed 3(b) Land Surveyor	shall mean a land surveyor licensed by the Commonwealth of Virginia to perform the work described under Section 54-17.1(3)(b) of the Code of Virginia as amended.
Local Collector	shall mean those streets that provide direct access to abutting land and access to the higher order system
<u>LOMR</u>	<u>Letter of Map Revision: A document issued by FEMA approving changes to the boundaries of the existing FEMA mapped Floodplain based upon as-built conditions of modifications made within the floodplain.</u>
Lot	shall mean a parcel of land which is apportion of all of a subdivision or development intended for transfer of ownership or development, but not including land dedicated for public purposes. <u>A designated parcel, tract, or area of land established by plat, subdivision or otherwise permitted by law, occupied or intended to be occupied by a principal building or use and its accessory buildings and uses.</u>
Lot, Corner	shall mean a lot located at the intersection of two or more streets; a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees.
Lot, double frontage	shall mean a lot other than a corner lot with frontage on more than one street.

Major Arterial	shall mean those streets that carry the principal portion of the vehicular trips entering and leaving urban areas as well as the majority of through movements desiring to bypass the central town or as shown as major arterials in the Town Plan.
Memorial Tree	Any tree which has been individually designated by the Town to be a special commemorating memorial.
Minor Arterial	shall mean streets serving primarily to carry traffic through town to employment and commercial centers or shown as minor arterials in the Town Plan.
Parking Court, Common	shall mean a parking area for the principal use of the owners or occupants of the lots abutting the parking area.
Required Specifications	<p>shall mean, and, as the context requires, refer to any one or any combination of the following:</p> <ol style="list-style-type: none">(1) Leesburg Design and Construction Standard Manual, latest edition.(2) Erosion and sedimentation control regulations contained in the Loudoun County Soil Erosion Control Ordinance, and the Virginia Erosion and Sedimentation Control Handbook, as adopted and amended from time to time.(3) Adopted Leesburg Town Plan, latest edition.(4) Flood zone management and control policy, as contained in this Article.(5) Federal Emergency Management Agency (FEMA) floodway studies <u>regulatory floodplain maps</u> for Leesburg and Loudoun County, and “The North Branch Flood Elevation Study”, prepared by Dewberry & Davis (December, 1981). any other floodplain studies approved by the Town.(6) Water and Sewer Master Plan, latest edition.

- (7) Storm Water Master Plan, latest edition.
- (8) Commonwealth of Virginia, “~~Sewer~~ Sewage Regulations”, latest edition.
- (9) Commonwealth of Virginia, “Waterworks Regulations”, latest edition.
- (10) Virginia Department of Transportation, “Road and Bridge Standards”; “Subdivision Street Requirements”, except for Table 2, “Base and Pavement Design”; Minimum Standards of Entrances to State Highways”; and “Drainage Manual”.
- (11) “A policy on Geometric Design of Highways and Streets” by the American Association of State Highway and Transportation Officials (AASHTO), as amended from time to time, applicable as a guide when no VDOT standard exists, as provided under (9 10) above.

Route	(See Street)
Specimen Tree	Any tree which has been individually designated by the Town to be notable by virtue of its outstanding size and quality for its particular species.
Street	(See also Section 1-2 of the Town Code) <u>A strip of land subject to vehicular or pedestrian traffic and providing direct or indirect means of access to property, including but not limited to road, lane, drive, trail, court, place, terrace, alley, avenue, highway, boulevard and any other thoroughfare. For functional classification of streets refer to the “Transportation” section of the <i>Town Plan</i>.</u>
Street, Cul-de-sac, Permanent	shall mean a street with a single common ingress and egress and with a permanent paved turnaround at the end.
Street, Cul-de-sac, Temporary	shall mean a street with a single common ingress and egress and with a temporary turn-a-round at the end, meeting town standards, which is planned to be extended.
Street, Local	shall mean those streets that provide direct access to abutting

land and access to the higher order system.

Street, Private

shall mean a local street constructed to required specifications and guaranteed to be maintained by a private corporation by means of a covenant, deed and easement acceptable to the Town and with guaranteed public vehicular access.

Subdivision

~~shall mean the division of a parcel of land into two or more lots for the purpose of transfer of ownership or building development, or, if the division or allocation of land for the opening, widening or extension of any street is involved in such division, any division of land, the term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Portion of this definition deleted 10/26/83 and 8/10/04).~~ the division of a lot, parcel, or tract of land, or interest in real property, into two or more lots, plots, sites, parcels, or other divisions for the purpose, whether immediate or future, of transfer, sale, or building development; or the resubdivision or consolidation of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions; or the horizontal division or redivision of airspace. Parcels of airspace shall constitute land within the meaning of this Article, provided that the horizontal division or redivision of airspace shall be limited to three or fewer divisions or redivisions, and shall be limited to land restricted to commercial, industrial, or other nonresidential use.

The requirements of this Article shall apply to the conversion to condominiums of all land, buildings and structures as provided for in the Condominium Act, Sec. 55-79.39, et seq. of the Code of Virginia, 1950, as amended. Land, buildings, and structures shall be considered to have been converted when all condominium instruments required by the Condominium Act have been recorded. Plats and plans of condominiums must conform to Section 55-79.58 of the Code of Virginia, as amended. Plats for condominiums must meet all other requirements for preliminary and final plats that have previously been specified in this Article, to the extent consistent with Title 55 of the Code of Virginia, as amended. The declarant of a conversion condominium shall file with the Town (2) copies of all the information which is required by the Virginia Real Estate Commission pursuant to Section 55-79.89 of the Code of Virginia, 1950, as amended. This filing shall be simultaneous with the filing required by the Commission. There shall be no filing fee for this filing. The information which is filed with the Town shall be available for examination at such offices as the Town Manager may designate during regular hours of operation. At the time of filing, the declarant shall notify the tenants of the subject dwellings of the filing and of the availability of the information at the two (2) locations designated by the Town

Manager.

The subdivision of a lot or parcel for the purpose of sale, gift, or any other transfer of such lot or parcel to a member of the immediate family of the owner shall be subject to all the requirements of this Article.

This Article shall not apply to a division of land which creates only one area of land to be conveyed for public street or public utilities purposes, or both, in addition to the remainder of the area of which it is a part, so long as the area of which it is a part is shown on an approved subdivision plat.

This Article shall not apply to a division of land made solely for the conveyance of land for public purposes to or by the Town Council.

Subdivider or Developer

~~shall mean person commencing proceedings under this Article or effect a subdivision or development for himself or for another.~~

Through Collector

shall mean those streets serving primarily to provide radial and circumferential through and local traffic movements shown as through collector routes in the Town Plan.

Town Plan

~~shall mean “the Town of Leesburg in Virginia, Town Plan, 1986” adopted March 26, 1986, by the Council. The official document, commonly referred to as the Comprehensive Plan, or elements thereof, adopted by the Town Council, intended to guide the physical development of the Town or a portion thereof. Such plan, including maps, plats, charts, policy statements and /or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.~~

Trunk Sewer Plan

~~shall mean the “Trunk Sewer Master Plan, Leesburg, Virginia,” June, 1976, prepared by Bengston DeBell, Inc.~~

VDOT

shall mean the Virginia Department of Transportation.

Watercourse

Shall mean a definite channel with bed and banks within which water flows either continuously or intermittently.

Zoning Administrator

~~shall mean the Zoning Administrator of the Town if the~~

~~subdivision or development is within the Town or the Zoning Administrator of the County if the subdivision or development is outside the Town. An appointed Town official who serves as the Zoning Administrator, charged with the interpretation, administration, and enforcement of the Zoning Ordinance for Leesburg, Virginia, or his/her designee.~~

Zoning Regulations

~~shall mean the “Zoning Ordinance, Town of Leesburg”, effective March 9, 1959, as severally amended, or Article V of this Chapter when adopted, or the Loudoun County Zoning Ordinance as amended, if the subdivision or development is outside the Town.~~ shall mean the latest edition of the Town of Leesburg, Virginia, Zoning Ordinance adopted by the Town Council